



# **Regulating the Night**

**Race, Culture and Exclusion in the Making  
of the Night-time Economy**

**Deborah Talbot**

ASHGATE e-BOOK

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Race, Culture and Exclusion in the Making  
of the Night-time Economy

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ASHGATE

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Published by

Ashgate Publishing Limited

Gower House

Croft Road

Aldershot

Hampshire GU11 3HR

England

Ashgate Publishing Company

Suite 420

101 Cherry Street

Burlington, VT 05401-4405

USA

Ashgate website: <http://www.ashgate.com>

### **British Library Cataloguing in Publication Data**

Talbot, Deborah

Regulating the night: race, culture and exclusion in the making of the night-time economy. – (Re-materialising cultural geography)

1. Alcohol – Social aspects – Great Britain 2. Social control – Great Britain 3. Bars (Drinking establishments) – Great Britain 4. Popular culture – Economic aspects – Great Britain 5. Bars – (Drinking establishments) – Law and legislation – Great Britain 7. Race relations – Great Britain 8. Sociology, Urban – Great Britain

I. Title

363.4'10941

### **Library of Congress Cataloging-in-Publication Data**

Talbot, Deborah.

Regulating the night: race, culture and exclusion in the making of the night-time economy / by Deborah Talbot.

p. cm. -- (Rematerialising cultural geography)

Includes bibliographical references and index

ISBN-13: 978-0-7546-4752-2 1. Subculture--England--London. 2.

Popular culture--England--London. 3. Drinking of alcoholic beverages--England--London. 4. London (England)--Social and customs. I. Title.

HN398.L7 2007

306.10942'090511--dc22

2006033553

ISBN 978-0-7546-4752-2

Printed and bound in Great Britain by Antony Rowe Ltd, Chippenham, Wiltshire.

# Contents

<i>Acknowledgements</i>	<i>vii</i>
Chapter One	Nightlife and Outsider Areas in an Era of Spatial and Subcultural Closure: Recasting the Politics of Popular Culture 1
Chapter Two	Negotiating Research into the Regulation of ‘Outsider’ Areas 23
Chapter Three	The Growth, Criminalisation and Decline of Unregulated Night Spaces in Southview 39
Chapter Four	Urban Regeneration, Conflict and Change 53
Chapter Five	From Nightlife to the ‘Night-time Economy’ 71
Chapter Six	Licensing and the Loss of Political and Moral Authority 85
Chapter Seven	Licensing, Policing and Informal Mechanics of Exclusion 107
Conclusion	131
<i>Bibliography</i>	<i>145</i>
<i>Index</i>	<i>155</i>

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# Acknowledgements

I would like to thank in particular Khalid Deverill for his insight and engagement with this research, friends and associates in Southview for their willing provision of information that made me look beneath the surface, those interviewed as part of the research for their patience and time offered in the midst of the pressures they faced, and academic colleagues who encouraged me to carry on.



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## Chapter One

# Nightlife and Outsider Areas in an Era of Spatial and Subcultural Closure: Recasting the Politics of Popular Culture

In June 2000, Prime Minister Tony Blair announced during a lecture to students in Tübingen, Germany, that the government intended to introduce ‘on the spot’ fines to “drunken thugs” who caused mayhem in the streets at night. Activities that had caught his particular attention included “kicking in your gate”, “throwing traffic cones around the street” and “hurling abuse into the night sky” (Evening Standard, 20 June 2000). Clearly unaware of the long-standing tradition of juxtaposing traffic cones with street furniture as a creative gesture when under the influence, the speech heralded an abrupt about turn in attitudes towards developments at night in major city centres. The conventional excesses of the ‘night-time economy’<sup>1</sup> had suddenly become visible to academics and policy-makers and respectable opinion declared itself aghast at the crime, violence, noise and nuisances they had seemingly for the first time witnessed. What had over the past decade become mainstream opinion, that the ‘night-time economy’ held benefits for economic development, regeneration and social order, was reversed. The Licensing Act 2003, which was five years in the making and summarised the drift of opinion towards reframing the nature of control over leisure (Talbot 2006), was declared unhelpful to the irrepressible tendency of the British public towards ‘binge drinking’ and petty street disorder.

Taking into account the traditional problem of ‘set’ and ‘setting’, the complex interaction between pharmacology, physiology, psychology and social/cultural context (Hommel and Clarke 1994, Alcohol Concern 2004), which entails that the problem of excessive drinking needs to be seen as part of a range of contextual influences (Talbot *unpublished*), the argument that extending licensing hours and increasing supply will in simplistic causal fashion encourage a ‘continental drinking culture’ was obviously overoptimistic. As various thinkers have suggested (Gofton 1990, Hobbs et al 2003, Measham and Brain 2005), given the massive social, cultural and economic changes that have engendered an individualistic consumer culture, the idea that excess, alienation and personal destructiveness will somehow diminish over time cannot be taken for granted. As writers such as Lyng (2004) have also pointed out, the risk-absent nature of post-industrial society can serve

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1 This book will alternatively refer to the activities taking place in bars and clubs as nightlife or the ‘night-time economy’, the former to refer to the quasi-commercialised designation of these spaces and the latter to the boosterist representation of these activities as a means to regenerate inner city areas.

as a challenge towards bodily excess, and this, combined with the intertwined relationship between national identity and drinking culture in the UK, suggested where change was headed. Moreover, government has sought to harness the potential of nightlife as an economic driver, using so-called ‘night-time economies’ to fuel inner city regeneration. In our neo-liberal and post-modern society, it is felt, rather than problematising transgressive and disorderly behaviour, the national and local government has aligned themselves with the breweries to encourage consumption, leading to the escalation of social problems associated with the night (Hobbs et al. 2003).

These narratives of social change are not the only dynamic to be witnessed in discourses surrounding nightlife or the night-time economy, however, as the current about-turn in law and policy towards enhancing police powers over licensed spaces suggests. Attitudes towards nightlife have a longer history that needs to be placed in an appropriate context. Particularly since the eighteenth century in the British context, the spaces of ‘night culture’ have been understood as a social problem and as a site for deviant behaviour. Although the control of alcohol consumption had an even longer legal history (Webb and Webb 1903) the Disorderly Houses Act 1952, which innovated new forms of regulation over entertainment within a twenty mile radius of London, marked a key change in governmental discourse. From this point, discussions of the ‘problem’ of nightlife, of the disorder and even potential revolution resulting from it, was connected to the entertainment of the ‘lower orders’ (Fielding 1951) and of fears surrounding the night and the dark spaces of the city (Lovatt 1996). In the twentieth century, fear of the ‘other’ found new objects of concern – the impact of migrants, youthful rebellion, or young women seeking pleasure (Kohn 1992). Nightlife expressed a sense of ‘otherness’ that had to be ‘regulated and contained’ (Lovatt 1996:143-144).

As this book will examine in more detail, government has since the nineteenth century held a contradictory attitude towards drinking in particular and popular entertainment in general that has reflected broader political and social conflicts. In the nineteenth century, the proponents of the free-market emphasised the need for individual liberty and personal choice, making behaviour and consumption the responsibility of the individual, while Temperance and other moral entrepreneurs stressed the corrosive effects of drinking (Harrison 1994), resulting in an uneasy balance between permissiveness and containment. Entertainment forms lacking in commercial purpose have been heavily policed and curtailed (Storch 1976), while the language of fear and disorder have had a continued presence in governmental thinking. Despite recent changes, these contradictions have still not been resolved, with health professionals, academics and policy-makers opposed to the breweries, pub and club chains and the neo-liberal wing of New Labour while the passing of draconian laws to tackle disorder and ‘anti-social behaviour’ continues apace in a new dramatisation of a very old narrative.

The point of the research that is the subject of this book was to analyse the moment of change that occurred in the 1990s when local councils began to concede to the relaxation of closing times and the expansion of supply under pressure from government and local economic conditions. Was it the case that these changes represented a de facto concession to deregulation and permissiveness, or was the

outcome more complex than this? What were the broader social, economic and cultural pressures at play? What did these economic and regulatory changes mean for what had been spaces at the forefront of ‘outsider’ (Becker 1963) cultures? To what extent were these changes applied differentially and how did the social and institutional conflicts of particular localities influence the nature of change?

An area was selected as a means of examining these questions, an area given the pseudonym of ‘Southview’.<sup>2</sup> In Southview regeneration strategies had sought to develop the centre of Southview into a night-time economy which many local people viewed suspiciously as a strategy to develop a ‘playground’ for young white professionals at the expense of the ‘ownership’ of the area by the local Afro-Caribbean population. Revisiting Southview in 1998, it was not possible at least superficially to argue with this interpretation. Daytime and night-time consumption was a somewhat segregated affair, with the local black population using the day economy to shop and young white people using the night economy to party in ‘down market chic’ bars and clubs, serviced by black bouncers, taxi drivers and dealers at the bottom end of the chain (Ruggiero 1993). This would not be unusual had it not been for the disappearance of a visible black nightlife that had dominated Southview since the 1970s. As this book will convey, this picture was simplistic. It was nevertheless the case that a significant change had occurred, was discussed locally by many residents, and evoked images of a racialised gentrification discussed by Zukin (1991,1996) or Davis (1990, 2005) in the US. New forms of incorporation and regulation were being innovated in Southview but seemed to be taking a specific form. The attempt to understand the dynamics of this process became the main research focus of this book.

More broadly, the aim of this book was to outline the origin of these debates, their consequences in terms of regulatory reform, and finally the impact of new laws and economic strategies on outsider or transgressive subcultures. Particular emphasis is given to how outsider cultures were represented spatially – both in night spaces and specific areas or localities – and how attempts to normalise these spaces and localities through strategies of regeneration or gentrification (Smith 1996) confronted these alternative cultures. This chapter will outline the relationship between licensing law and transgressive cultures historically and its reconfiguration in the context of the critical mass of economic, cultural and social change of the 1980s and 1990s. In particular, it examines the way that outsider cultures have been shaped by the dual processes of moral panic and a legal innovation concerned primarily with containing the night entertainment of women, ethnic minorities, the working class and youth. Central to evaluating the critical importance of a radicalised night culture is the concept of the outsider or the ‘other’, that can be conceived of as an individual, a group, a space or as an area. In the specific moment of post second world war Britain social perspectives changed markedly in specific areas and cultures, giving rise to spaces of difference or outsider areas that were ultimately stigmatised. The historical residue of stigma in area development and the formulation of strategy are of central importance throughout this book in that it mobilised opinion towards the normalisation of the outsider area and the closure of the physical and mental space of

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2 The rationale for area anonymity is explored in chapter two.

the counterculture. The impact of this closure – the colonisation of the counterculture and the rediscovery of disorder as a descriptor of nightlife – is examined towards the end of this chapter.

### **The Regulation of the ‘Other’: Alcohol, Popular Culture and Licensing Law**

The nature of popular culture and nightlife in the UK have been heavily influenced historically by licensing laws and associated forms of control through surveillance and policing, in particular, the symbolic association made between working-class entertainment (popular culture) and social disorder, decline, rebellion and riot. As Dorn (1983) argued, an understanding of history is important if we are to view current dilemmas with anything beyond simplistic formulations and in particular this book is predicated on the idea that conflict and control throughout history has shaped the nature of space. Moreover, it is not possible to consider the nature and impact of licensing law without a consideration of its origins given that its current form is largely derived from liquor licensing law from the fifteenth century and entertainment licensing law from the eighteenth.

The earliest law concerning alcohol was passed in 1381 but was aimed merely at the regulation of price to prevent inflation and the cheapening of the coinage (Dorn 1983). However, statutes dating from the fifteenth century established a connection between the consumption of alcohol and labour discipline. As Dorn (1983) and Harrison (1994) argued, alcohol consumption was identified from this point onwards with lax attendance and productivity, political agitation amongst the working-class, riot, disorder and revolution. Drinking and entertainment was seen as a barrier to a longer more regular working week and the intensification of work required by industrialisation. A series of Acts in 1603, 1606, 1635, 1644 and 1647 dictated where and when drinking could take place, ranging from restricting drinking in Inns to residents, banning entertainment on religious days and making drunkenness an offence (Dorn 1983). However, as the Temperance campaigners Sydney and Beatrice Webb (1903) noted, state involvement in the sale and consumption of alcohol was also motivated by two conflicting interests: firstly, the revenue derived from taxes on liquor on the one hand combined with the growing power of the free-trade breweries, and secondly the ‘social disease’ – the combination of economic deprivation, moral dissolution and indiscipline - that appeared to originate from alcohol on the other. In the case of the latter, concerns about the social effects of alcohol were in particular highlighted by religious and socialist reform movements who campaigned without success to prohibit the sale of alcohol (Dingle 1980).

Orwell (1940:41) pointed to the hypocrisy embedded in English licensing laws that were ‘designed to interfere with everybody but in practice allowed everything to happen’. At the core of this contradiction lay a conflict of interest within the state itself in so far as it expressed the needs of capitalist reproduction. On the one hand, as indicated above, it was interested in both the taxation revenue gained from the production of liquor and the survival of the industry itself as a core lobby and part of the economy. On the other, it was keen to make provision to prevent drunkenness and entertainment interfering with the working week, as in practices such as ‘Saint

Monday<sup>3</sup> (Harrison 1994). Licensing law was never innovated therefore to prohibit the consumption of alcohol so much as regulate the conditions of its use within what were perceived as acceptable outlets for supply (Dorn 1983). The way that licensing law reflected such practices of inclusion and exclusion in the ability to control outlets for alcohol consumption and entertainment often coincided with the interests of the breweries and ensured cooperation and self-regulation.

The ability to mediate permissiveness and control derived from the structure of licensing law and its institutional implementation. As Webb and Webb (1903:4) noted, licensing law regulated supply in four key ways: firstly, through the payment of taxes and fees for sale and manufacture; secondly, through the registering of individual licensees so they were 'brought to public notice'; thirdly, through the limitations placed on the number of alehouses in localities and on the qualifications needed to be a keeper; lastly, through the imposition of special rules or conditions of sale. The local operation of the law involved three forms of control exercised by magistrates': the 'power of selection', the 'power of withdrawal' and the 'power of imposing conditions'. The first power came with a 1552 statute (5&6 Edward VI.c.25) in which a license became a privilege, not a right, and magistrates' had the power to select through the exercise of discretion who should be given that privilege. The second power came earlier, with the 1495 (11 Henry VII.c.2) and 1504 (19 Henry VII.c.12) Acts, by which two justices could suspend what were seen as superfluous alehouses (Webb and Webb 1903:6). The third power came from a combination of the first two, and before the 1830 Beer Act judges had total autonomy to impose conditions, such as closing times, the number of licensed venues in areas, where public houses could be situated in the locality and so on (Webb and Webb 1903:9).

These three basic powers have been negotiated and altered in different historical periods depending on prevailing opinion. As already mentioned, in a unique drawing back of statute law, the Beer Act 1830 restricted judicial discretion, specifying that it was limited to making sure the applicant was of good character. The power of withdrawal was placed within the jury system, and parliament argued significantly that the publican should be free to do whatever parliament had not expressly forbidden (Webb and Webb 1903:98). The consequences of this liberalisation was that the number of retailers of liquor grew and as fears spiralled with regard to the growing level of drunkenness, magistrates and bishops agitated for a repeal of the Act. In the winter of 1830 a Parliamentary Committee was formed led by James Silk, Temperance in character, and the following Beerhouse Acts of 1834 and 1840 enhanced the powers of the justices' with regard to the owners 'qualities'. Despite these shifts and reversals, the basic structure of licensing law and the powers granted to the state to control places of drinking remains similar to the structure of law today and as this book will aim to demonstrate, these specificities of quasi-legal practice embedded in licensing law conferred the ability of magistrates and other empowered authorities to control cultural and social spaces.

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3 This was an extension of leisure time into Monday, and illustrated a different pattern of work that involved periods of intense work pasting a few days followed by a similar period of rest and repose. Industrial society required a regular working week, which clashed with these practices.

Controls over the spaces of popular entertainment were further enhanced by the development of entertainment licensing law in the mid eighteenth century, notably through the Disorderly Houses Act 1752 or as more accurately named ‘An Act for the Better Preventing Thefts and Robberies, and for Regulating Places of Public Entertainments, and Punishing Persons Keeping Disorderly Houses’, and it was here that the ideological intent of regulatory strategies were most clearly illustrated. It became part of statute as a result of a petition by writer and magistrate Henry Fielding<sup>4</sup> to the Lord High Chancellor, which drew attention to the growth in ‘criminal’ activities in the lower classes and speculated as to their cause. In Fielding’s reasoning, the decoupling of the lower orders from feudal bondage had steadily inculcated new customs into this section of society. The growth of wealth resulting from growing trade had created a demand for labour in return for a wage, the latter of which was squandered in the pursuit of ‘luxury’ by the lower classes. This was problematic, according to Fielding, because while luxury and pleasure led to vice and ruination amongst the upper classes, it was confined to the family and estate. When the lower orders adopted the same habits, however, it shook the foundation of wealth, because it was their labour that underpinned society. Hence for Fielding the chief evils of the pursuit of pleasure by the lower orders were the loss of money and time, and, of course, an increase in drunkenness. Moreover, Fielding feared the spectacle of riot and sedition.

He therefore argued that the entertainment and consumption habits of the people should be restrained. The problem was how, when, according to Fielding, people took no notice of the law particularly when applied prohibitively, and moreover, would reject any measure that constrained their individual liberty. Further, a system of control had to take account of what Webb and Webb (1903:2) later noted as ‘the absence of police’. The answer was found in liquor licensing law, and the Disorderly Houses Act was modelled on its structure.

The Disorderly Houses Act brought together the great themes of early modernity as it related to the inculcation of discipline in the lower classes, in other words, outlining the relationship between idleness, vagrancy and entertainment (Dorn 1983). Firstly, it attacked the practice of advertising a reward for items lost or stolen, thus, it argues, causing temptation to steal.<sup>5</sup> Secondly, that ‘the multitude of places of entertainment for the lower sort of people is another great cause of thefts and robberies, as they are thereby tempted to spend their small substance in riotous pleasures, and in consequence are put on unlawful measures of supplying their costs, and renewing their pleasures’ (25 George II). It proposed that no place was to be ‘kept’ for public entertainment within the City of London and Westminster

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4 Barrister and Justice of the Peace for the County of Middlesex and City of Westminster. The Petition was entitled ‘An Enquiry into the Causes of the Late Increase In Robbers with some proposals for Remedying this Growing Evil’.

5 Measures to deal with this were in the form of powers given to the justices to examine any ‘rogue’, ‘vagabond’, ‘idle and disorderly person’ as to where he comes from and his means of livelihood.

and 20 miles around this area,<sup>6</sup> without obtaining a license from four or more justices assembled at the Michaelmas Quarter Sessions. Any house without a license was to be deemed a 'disorderly house' and the owner subject to a fine of £140. Constables who were given the power to enter premises and seize individuals keeping the house enforced the system. It relied on informers in a neighbourhood who could write and give evidence to a Constable and the court and on conviction would receive £10. The difficulties of identifying an owner to prosecute, 'by reason of the many subtle and crafty contrivances of persons keeping' these houses was overcome by stating that any person who 'appeared' to be the owner was to be prosecuted. Entertainment venues could not open before 5pm and a limitation of hours of opening was to be 'inserted in, and made conditions of, every such license'. The apparent difficulty of distinguishing between places frequented by the upper classes as opposed to the lower were apparently overcome by inserting a clause which entailed that a premises did not need a license if they were an important theatre (places were listed in the text) or were already licensed by the crown or Lord Chamberlain.

It is obviously the case that both liquor and entertainment licensing law have mutated beyond their original form. It is also the case that the development of police forces in the nineteenth century significantly enhanced the power of the state to enforce law and moreover develop alternative routes to controlling popular entertainment, such as direct repression and surveillance (Storch 1976). However, the licensing of alcohol and entertainment follows basically the same principles outlined by the Webbs, that is, a system of control aimed at controlling or containing the conditions of supply and of selecting who is a 'fit and proper' person to be licensed. The origin or aim of licensing law - the need to enhance discipline and productivity in the lower orders and a reaction to the end of feudal bondage resulting in class fears surrounding the dangerous 'other' - entailed that the law itself expressed a number of differentiating practices. Firstly, licensing law in form and practice differentiated between different types of entertainment that could roughly be associated with social classes. Secondly, in practice it differentiated between outlets for the commercial sale of alcohol and those entertainment activities over which breweries had little control. Thirdly, since the nineteenth century the state has facilitated a *laissez-faire* attitude towards supply whilst simultaneously criminalised the consequences of this policy within social groups and individuals, thus differentiating between possible cause and effect (Dorn 1983).

Discourses and outcomes concerning the function of licensing law therefore always expressed themselves in contradictory ways. A consequence of the development and extension of this form of regulation, however, has been the successive colonisation of the state and capital within popular culture and the corresponding marginalisation of cultural forms not susceptible to commodification (Storch 1976, Dorn 1983). On the one hand, therefore, entertainment has been subject to a process of disciplining within commercialised boundaries, and on the other, has been marginalised if too clearly associated with the 'other'. Following on from the utilisation of class as a representation of social fears and the disciplinary impulse, this chapter will now

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6 Public Entertainment was not brought under statutory control elsewhere until the Public Health Act 1890, and then only if the local authority chose to adopt it.



turn to themes of gender, race and youth as symbols of an outsider consciousness in nightlife. In particular, it will focus on why transgressive cultures were associated with the 'racial otherness' of recent migrants identified with specific areas – a core theme and question for this book – and why this was seen to be problematic for the authorities.

### **Transgressive Cultures and Outsider Areas**

In the twentieth century fears concerning working-class cultural behaviour in the industrialised cities escalated and mutated into generalised anxieties that had as its object the vast majority of society, that is, women, young people, immigrants alongside elements of class expression (albeit in the post second world war period this was considered more settled and contained with the exception of youth). Again, concerns centred on cultural expression including that of the night. Kohn's (1992) study on the impact of world war one on the regulation of leisure examined fears around the intermingling of races, the proliferation of drugs and the fate of young women, resulting in the delineation of statutory closing times in the Defence of the Realm Act. Erenburg (1981) examined how women who sought night-time leisure opportunities in New York at the turn of the twentieth century were castigated by the authorities for not playing their traditional role of constraining male pleasure. Original government documents demonstrate, for example, in relation to the attempt to pass the Night Clubs Bill in 1925 and the passing of the Private Places of Entertainment (Licensing Act) 1967, that various social movements joined with the police to express anxiety about young men and women mingling with 'aliens' and other 'undesirables' in the clubs and cafés of the West End of London (Talbot, *unpublished article*). While from particularly the eighteenth century the fear of the 'dangerous classes' centred on working-class districts of the expanding cities, an association of place, fear and class, in the twentieth century it was 'immigrant' areas and places to which those seeking separation from mainstream norms were attracted, and consequently became the object of fear. As Raban (1974) noted in relation to London, there was a strong association between bohemia and the areas in which migrants settled. What follows is an attempt to outline the concept of the outsider and in particular 'outsider areas', why they were associated with migrant cultures (which tended at least in the first generation to be strongly conservative and religious) and what provoked fears in relation to these social trends.

These moments were strongly bound up with the post-war experience of the counterculture. In the period from 1945, sweeping through the 1960s and 1970s, and even evident in the Manchester Institute of Popular Culture's research agenda in the 1990s, theories of youth culture stressed the separation of youth from mainstream society, the creation of alternative subcultures or countercultures, and the mutual alienation of youth from normative values and vice versa. Becker (1963) for example, and in the British context Stan Cohen (1973) explored how the societal reaction to behaviour or cultural forms sometimes only slightly out of the norm was held to be symbolic of broader societal decline or decay. For these theorists, youth cultural

forms were viewed as a prism for broader social anxieties relating to decay, decline, or a loss of ‘social order’.

Some theorists, however, went further, stressing that the alienation of youth from traditional norms was often perceived as embodying progressive values, a new society, or new possible futures. Karl Mannheim, for example, argued the function of the new generation was to revitalise society by opening it up to new influences and by living new values that the older generation can only understand theoretically. This analysis was particularly pertinent in the context of the emergence of a new society, that of social democracy, from the old violence of world war and totalitarianism (Mannheim 1943). Indeed, as Lessing portrayed in her literary series subtitled ‘the children of violence’ a new generation is described that is mutated by the violence of the first half of the twentieth century, leading to the rupture of traditional family, work and emotional structures and culminating in neurotic destruction and renewal (Lessing 1969).

The idea of youth as a symbol of hope for the future and the embodiment of new critical values continued into the 1960s and 1970s in the analysis of countercultures and subcultures. The main way in which countercultural theorists, particularly in the United States, attempted to go beyond the purely literary and symbolic was through the concept of alienation. Youth were utilised as an object and symbol of a social critique and as such, analysis was embedded in the historical, the political and the social. As Keniston argued in *The Uncommitted*, theorists were seeking ‘new ways of thinking, new concepts, new understandings of *how* men and society connect, and above all a new tolerance for complexity of explanation’ (1965: 10). Roszak also argued that despite the positive and negative developments in the counterculture, the consciousness exhibited derives from what he dubs the ‘technocracy’ (1970: 4), a society that exhibits such a high level of organisation and regulation that it swallows every core of the human identity, in which ‘the business of inventing and flourishing treacherous parodies of freedom, joy and fulfilment becomes an indispensable form of social control under the technocracy.’ (1970: 15). This dystopian vision forms the background to understanding the enthusiasm with which theorists greeted the Dionysian outpourings of particularly American youth. The elevation of truth, feeling, spontaneity and play in some youth cultures (particularly the hippies) for these theorists represented a breathing space in the general social conformity. The synthesis of Marxism and psychoanalysis did much to strengthen these new trends, as theorists sought to analyse the implications of this sick society on the human psyche. As Erich Fromm argued, ‘the real crisis today is one that is unique in human history: it is the *crisis of life itself*.’ (1978: 211).<sup>7</sup>

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7 It should be noted in passing that on the whole the interrelationship between cultural and political expression theorised in the US context did not extend to the UK. Particularly in relation to the research conducted in the Birmingham School of Contemporary Cultural Studies the concept of subculture depicted a rupture between political expression and style (Hall and Jefferson 1976) as subcultures and its stylistics were viewed as an ‘unconscious’ expression of meaning (Hebdige 1979). This arguably led to a discomfort in relation to subcultures, expressed in a two year debate conducted in the pages of *Marxism Today* as to whether youth cultures were politically meaningful, in other words expressed broader class allegiances, which culminated in the final dismissal from Martin Jacques that ‘the cultural and ideological

The alienation of youth from the destruction of two world wars, the rejection of traditional structures and the impulse towards truth-telling in the post-war period also accounted for their marginalisation by respectable opinion – a defining of the ‘other’, which, as Young (1999) argues, was a core part of the normalising values of social democratic societies. Such trends represented something of a continuing crisis of Western society and the need for closure to prevent change, was deemed necessary by moral entrepreneurs. Various writers highlighted this moment and the attempt, through criminalisation, to thwart challenges to traditional structures. The creation of the marginalised individual or group – the outsider – was viewed as a process of criminalisation, the symbolic representation of a ‘problem’ followed by the internalisation of the outsider identity (Lemert 1951, Becker 1963, Goffman 1963). The reasons explored were varied. Becker (1963), for example, focussed on the moral crusades initiated by the elite or the middle-classes, and how institutions inculcated such campaigns to substantiate their own organisational interests, while Young (1971) analysed the way in which cannabis was criminalised due to its close association with subterranean values of hedonism and play, rather than the formal values of the work ethic. Cohen (1973) saw the mobilisation of social reaction, a moral panic (from politicians, the public and importantly the media) against the Mods and Rockers in Clacton 1964. In an attempt to explain what lay at the core of the social reaction, he argued that it was bound up with the identification of youth with the rejection of the strictures and conformity of class and the rational consumption of work and family in favour of the new classless and ‘affluent’ consumption concerned with leisure. In this analysis, therefore, it is the uncertainty in the face of change that instigates social anxiety and the mobilisation of opinion to create legal and policy initiatives to resolve the ‘problem’.

Sociological discourses particularly since the 1960s have tended to identify the problem of stigmatisation and the formation of an outsider identity in relation to youth subcultures and countercultures, as this chapter has already identified. The problem of stigma was never so localised to the cultural and political rebellion of youth, a moment specific to the post 1945 closure against the vicissitudes of war. The unspoken reality of the formation of an outsider identity was to be actually found in the re-representation of colonialism and slavery in the internal borders of Western countries (Fanon 1952/1986). Both Becker and Goffman note almost in passing that the stigma or the master status can be that of race, but the ideas, relative to their centrality in the segregation and continual subjugation of Afro-Americans in the ghetto (Wacquant 2001) or the retranslation of colonial domination and callousness in British inner cities, were undeveloped. Rex and Moore’s (1967) well-known study of racist institutional practices in housing and more broadly analyses of the criminalisation of Afro-Caribbean populations and cultural forms (Hall et al. 1978, Gilroy 1987, Keith 1993) illuminated a common experience of discrimination in British inner cities but the complexities and impact of identity formation, of misrecognition (Young 2003) remained an open question. To explain

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spheres are critical areas of struggle’ but that the consciousness of the counterculture was only ‘partial and ill-developed’ (Marxism Today 1975). This writer does not share this reified notion of the political nor disquiet as to the, often temporary, nature of subcultural forms.

this lack requires a return to literature. For example, Ralph Ellison's (1965) fictional biography of the 'invisible man' presented the inevitable falling into of an outsider identity by the central narrator and character, a black man in the US, long predicted and understood by the older generation. The madness precipitated by misrecognition is demonstrated by the presence in the book of a range of characters struggling with alienation through disproportionate reactions, extreme violence and rage being one.

The status and role of the migrant newly arrived in the city, and in a broader sense the impact of the immigrant in the formation of the ghetto has since the Chicago School been a preoccupation of urban sociology. For this group of sociologists the arrival of migrants created a rupture in the functioning of social mores because of the instability of institutions – such as services, schools, the church – and of populations, for example, the amount of single people as opposed to families, in areas where they settled, factors Rex and Moore (1967) explain in the UK through institutional discrimination in housing. They referred to this assumed negative phenomena as social disorganisation, a decomposition of social values permissive of deviant and criminal conduct. In the UK, Ken Pryce's ethnographic study of the West Indian, mainly Jamaican population of St Paul's (1979) replicated the analysis of social disorganisation. In his analysis, St Paul's, far from being the centre of a 'tight knit, friendly, organic, warm, harmonious community' of what he dubs the 'romantic imagination' (1979:30), the area, alternatively known as the 'village' or 'shanty town', was riven by social and ethnic divisions resulting in segregation, a lack of community and physical neglect. Indeed, part of the attraction of students and radicals to the area was the absence of controls on behaviour resulting from the normlessness that abounded. As Pryce notes, a key element of his thesis was the distinct 'life-orientations' between those who work and those who don't - those who 'hustle'. This did not just affect consciousness, however. A point of consideration is what happens to areas where work is not the norm, a central element in the reproduction of conformity (Willis 1978).

Not all analysis of the impact of migration was bounded in sociological discourses of disorganisation, however. Raban (1974) socio-literary account of London, for example, showed the opportunity to reframe and re-imagine identity in the arrival and impact of the 'outsider'. For the newly arrived migrant, whether from another country or from rural domains, the city posits itself as the unknown and the confusing, 'his dazed mental abstraction, his sense of loss, his vain attempts to find forms and precedents for an experience that seems to go far beyond to respond sensibly to it' (1974: 49), while for the resident the new arrival describes our society from the outside. What is useful in this analysis is that the identity of the migrant and the resident are not essentialised but rather, in the context of massive change, fluid. The cultural and social hybridity (Nayak 2003) illustrated in this analysis has always been evident in night-time and popular cultures (Hebdige 1987) and might also serve to explain the overlaying of themes of the night, of alternative spaces, of social mobility, that, as examined in this chapter, have haunted moral entrepreneurs and underlined their need to exclude and to externalise that change. In containing the representation of hybridity spatially to the point of arrival in the form of an 'outsider area' – for example, in areas such as Southview – the disruption of norms for mainstream society is minimalised. This can be clearly seen, for example, in

the areas around Waterlooplein and the Red Light District in Amsterdam where the pastiche of the subcultural is zoned.

The zone or the ghetto, however, also becomes a form of protection for the migrant or for the perennially excluded (Maurrasse 2006). To return again to Ellison's example, invisibility is a curse but also a protection. Indeed, the central character argues that it is important to also remain invisible, to 'walk softly so as not to awake the sleeping ones' - the sleeping ones being those who insulate themselves from the reality of the other and thus from reality itself, and who are more dangerous when awake and seeking to make the other visible. Pryce (1979) also depicts the 'shanty town' as a place where the disreputable – the hustlers and their younger selves, the teenyboppers – feel at home. As he argues, 'to them St Paul's is their village or their Shanty Town. It is the place where they live, the territory on which they hustle and the only milieu in which they are really 'in control'' (1979: 27). The territory of St Paul's is also overlain with specific places of security in which 'street corner men' (1979:32) can hang about doing deals such as the 'front line' area of Grosvenor Place, or places of entertainment, the 'Club' or the Dive, or blues parties where the respectable elements do not venture. While Price sets up an opposition between respectable and disreputable elements of the West Indian Community, however, he notes that all suffer similar experiences of discrimination combined with the legacy of slavery. Moreover, distinct cultural practices, such as family, religion and entertainment, have been embedded in the locality. While respectable elements moved out of St Paul's, this was not the case everywhere (for example, Southview) and as such outsider areas were notable for difference *both* in a heightened rebellion from the work ethic and religious conservatism.

The outsider area is important because its indices and signs not only attract deviance or criminal behaviour, as opponents such as Wilson and Kelling (1982) noted, it also permits social experimentation and creativity albeit one, as Pryce notes, with an edge of destructiveness. Within ghettoised areas and the general ruination of the city after two world wars, deviance and bohemia flourished as lifestyle difference, art, music and nightlife alongside the annoying and disruptive lawlessness and institutional failure and corruption that aspects of this book will attempt to convey. However, as Sennett pointed out in *'The uses of disorder'* cities enabled an experience beyond the norms offered by mainstream society. In any case, through their very disorganisation they offered a challenge to the ideology of utopian perfectability (Merriford 2000). As illustrated by what follows, what is interesting about such outsider areas is that only elements of it could be commercialised and colonised through gentrification. Indeed, the process of economic change and physical uplifting tended to result in a fracturing of its impact that could be conceived both through the prism of class and race but also through the normative structures of conformity and rebellion. This chapter will now turn to how the 'night-time economy' as a concept emerged and broad descriptors of the differentials that emerged.

### *The colonisation of counterculture & the creation of the 'night-time economy'*

The traditional narrative or cycle of moral panic followed swiftly by repression was overturned in relation to rave and illustrated something of the context of social

change in the late 1980s and 1990s. It was partly that rave was a different cultural form, being spatially located in fields or squats (Redhead 1990, Thornton 1995, Collin 1997, Garratt 1998), was challenging because of its size (Garratt 1998) and furthermore pushed at the boundaries of the 2am closing time for nightclubs. It precipitated for the first time the mass use of illegal intoxicants, but was embodied by cultural entrepreneurs who aspired to be part of the mainstream (Collin 1997, Garratt 1998). Moreover, it actively courted the symbolism of moral approbation yet represented a new response to the management of cultural forms and intoxication, that of harm reduction - the official response to these activities being not at all clear-cut (McRobbie and Thornton 1995). As a culture it was of its times and distinctive for its apparent absence or denial of political consciousness (favouring the spontaneous feeling of bonding and non-verbal communication that interacted with Ecstasy). The political climate was an important context to this culture in that the commitment to neo-liberalism and in part libertarianism undercut traditional law and order drives and 'moral panics' while promoting the values of entrepreneurialism. As such, rave culture itself expressed and embodied the critical mass of change from what has been dubbed the 'Fordist' society to the post-Fordist, post-industrial and post-modern society (Lovatt 1996).

This of course did not stop, as illustrated previously, a media-led moral panic and violent scenes of confrontation as a result of police raids (Thornton 1995, Garratt 1998). It was merely that the outcome differed from previous drives towards criminalisation. On the one hand, it sparked a health awareness and harm reduction orientated anti-drugs industry, and on the other, served as a platform for new law and order strategies to deal with the unregulated nature of rave events. The tactic of the police and government more generally was to normalise and regulate dance culture. On the 3rd November 1998, Scotland Yard declared war on acid parties (Garratt 1998:146), and the Pay Party Unit (PPU) was formed, led by Ken Tappenden. The PPU's tactics consisted not of drugs raids or fines, but rather set up road blocks (a lesson from the miner's strike of 1984/5), lured party-goers to phantom parties, and used the force of environmental regulation, by-laws and health and safety law against the promoters (Garratt 1998:184). The parties persisted, however, despite the continual disruptions, and the government launched a series of statutory initiatives; the Entertainments (Increased Penalties) Act 1990 raised fines for the contravening of licensing laws from £200 to £20,000 and in addition could entail six months imprisonment; the government further announced that they would use powers under the 1988 Criminal Justice Act to confiscate the proceeds of illegal parties; the Association of District Councils urged councils to adopt the Private Places of Entertainment (Licensing) Act 1967 that closed the membership only loophole of the Local Government (Miscellaneous Provisions) Act 1982 which contained the statutory provisions for entertainment licensing in the provinces. The Criminal Justice and Public Order Act 1994 for the first time sought to specify a musical form for the purposes of criminal action.<sup>8</sup>

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<sup>8</sup> Rave was characterised as 'sounds wholly or predominantly characterised by a succession of repetitive beats'.

The way in which this conflict was resolved, however, set the pattern for future policy with regard to clubs, licensing and opening hours, as well as many other regulatory relationships (which will be examined later). The PPU was dissolved amidst lack of funding, but local councils began to give out later licenses which, according to Tappenden, ‘wasn’t a coincidence, it was a coordinated plan’ (Garratt 1998:192). This meant that there was a decision to bring the rave scene within the remit of the licensing structure whilst compromising on the question of hours. It is difficult to assess the accuracy of this statement but it seems clear that around 1990 the government and police nationally began to take a different view of closing times, and consequently issued new instructions to local licensing officers not to oppose extensions of opening hours. From the point of view of the local councils, it coincided with the incorporation of the night sector into regeneration plans, particularly in Metropolitan centres such as Leeds, Manchester and areas of London (Lovatt 1996:150), which was then formally promoted by the Conservative Government in 1993, when it instructed local authorities to take responsibility for the promotion of the ‘evening’ economy within sensible planning parameters (Department of the Environment, Transport and the Regions 1993).

The normalisation of dance culture was also facilitated by the ambiguous position of some of its ‘cultural entrepreneurs’ who were disconnected from the old relationship between club spaces, organised crime and police corruption, and furthermore, were interested largely in making money and, or, facilitating the normalisation of alternative culture within city regeneration strategies in the case of Tony Wilson. The pressure from organised crime or disorganised gangs solidified a relationship between club owners, local government and the police in which particularly the police became central to who were the winners and losers in the new ‘night-time economy’. In Manchester, for example, the gang problem made news in Manchester from 1989. This particularly centered around the Haçienda, which was subject to petty demands from gangs to get in for free and threatened doorstaff with guns when they were refused, and were also demanding the right to sell drugs. The Haçienda was temporarily closed, while Wilson and the club negotiated with the gangs and the police. The club then reopened, only to have six London based security staff stabbed by the Salford gang (Garratt: 1998:234). While the club finally closed on the 4th April 1997, meaning that in the final analysis the club was held culpable for the violence, what was observably new in these events was that a new generation of club owners from the Haçienda onwards were willing to talk about the problem,<sup>9</sup> and, moreover, cooperate with the police and the council in order to retain their license through mostly legitimate channels. This was also the case with other ‘superclubs’ such as the Ministry of Sound in London and Cream in Liverpool. Cream employed Jane Casey as advocate, who had a record of organising public events in the city and had good relations with the police. As Cream opened, Casey joined the local Chamber of Commerce and began negotiations with the police.

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9 When threatened with closure by the police, the club approached the Council for help - this led, according to accounts, to the development of a new relationship between the Council and club owners whereby council members visited clubs to witness their potential and the clubs promoted themselves as part of a tourism strategy (Garratt 1995)

What was new here was that the police were brought in to accept responsibility for policing illegal activity on or around the venue, and that Cream was referred to as an important local resource (Garrett: 1998). More broadly, what this represented was that the incorporation of nightlife into the economy, making the night-time economy an important aspect of city boosterism, was paralleled by the prising open of its activity to local governance (councils and the police) and the turn away from organised crime to legitimate business ownership. This was by no means a easy process of trust and cooperation. The club owners themselves pitched their demand for longer licenses on the basis of expanding the scope of regulation, particularly self-regulation. The Ministry of Sound, for example, gained a twenty-four hour license in 1991 by getting clubbers to testify that the premises they danced in were 'unsafe, unregulated, and illegal' (Garratt: 1998: 286). Cream was raided by the police and twenty people arrested, including four doorstaff, for dealing in 1996. However, this time, the club was not closed. Indeed, the venue was protected by two armed officers for the next six months (Garratt 1998: 302).

Cultural entrepreneurs of the 'Punk' scene or Factory Records and the Hacienda in Manchester had long represented new 'utopian' ambitions for the inner city, which came to fruition with the 'rave scene'. Rave was important because on the one hand, as it progressed, it held no concrete resistance to being translated into a commodified form (although it also tended to splinter around such debates). On the other it was a mass youth culture that was strongly associated with 'place'. As negotiations were held with the police and councils to halt the use of open space and to locate the culture in inner city spaces (Garratt 1998:192), and because of the limitations of cultural radicalism when essentially participants were looking to make a living out of such cultural activity (Garratt 1998:132), rave or 'dance culture' became the embodiment of the emerging 'night-time economy'. As dance events became mainstream and legitimised by licensing regimes (Lovatt 1996), the culture that inhabited them became a commercial product, as both a brand (Frank 1997, Klein 2000) and as part of a boosterist strategy to utilise subcultural products in inner city regeneration.

This was not however merely a product of the way that rave culture had been contained and mainstreamed, but was part of broader economic and social changes that could be described as post-industrial (Bell 1976). Various writers began in the 1990s to chart the appropriation of cultural goods within the economy and in inner city development strategies (Bianchini and Parkinson 1993, Castells and Hall 1994) and furthermore the impact of this on public culture. Molotch (1996), for example, explored that way in which Los Angeles projected images of 'anything goes' (1996: 223), 'fantasy and exploration' (1996: 241) and 'idiosyncratic localness' that reflects its role as a centre for tourism and the movie industry. Goodwin (1993) referred to this as place marketing – the promotion of a 'city myth' (1993: 147) that reflected the new aesthetic consciousness, style as identity and consumption as a mode of self-definition. The role of identity, image and fantasy has become much more central to economic structures and 'lifestyles' in the UK as a result.

More surprising was the utilisation of alternative cultures in this process, including 'goods' associated with nightlife. As Zukin argues in her seminal text, *Loft Living* (1989), this was partly a product of the way that alternative culture, in



this case Art movements developed in SoHo loft spaces in the 1960s and 1970s, coincided with a social disenchantment with work, family and suburban life. However, just as the manufacturing districts had been turned over to alternative artists they were themselves forced out as rents increased; a contradiction, Zukin argues, between ‘the production of art and other, higher rent uses’ (1989:121). As a consequence of the growing interest, however, the original colonisers were forced out as governmental agencies incorporated these perceived<sup>10</sup> shifts of the role of culture as an economic driver in policy strategies. Zukin used the idea of the Artistic Mode of Production to explain the way in which alternative cultures become key to an ‘urban conversion strategy’ (1989:181). What this meant, essentially, was that adding cultural or subcultural value to an area increased land and property values. Moreover, as property became revalorised through alternative culture, it also became sanitised and banal, as can be seen in the inner cities in the UK.

Today, central to regeneration strategies are the ubiquitous ‘cultural quarters’, consisting of art galleries, a cinema, restaurants, bars and clubs, and ironic home furnishing stores surrounded by ‘loft-style’ apartments that are, on the whole, overpriced, small, and cheaply built. Indeed, the idea of a cultural quarter has become the central myth of our time but one that coincides with the needs of advanced capitalism. One of the most striking examples of cultural boosterism that utilises the vernacular of alternative culture can be found in Hoxton and Spitalfields where the search of the ‘creative class’ for ‘abundant high-quality amenities and experiences, an openness to diversity of all kinds, and above all to validate their identities as creative persons’ (Florida cited in White 2004:156) provides a value-added veneer, complete with artfully placed graffiti, and mediocre ‘loft’ housing schemes designed to facilitate City expansion. As White (2004) argues, such schemes are an example of the middling shallowness of contemporary cultural production that appears to have forgotten that culture requires faithfulness to its form, and to the idea of effort and difficulty. Subcultures and countercultures, it should be remembered, were not open to everyone. They were, as the theorists of labelling and moral panic described, either by dint of their own ideology or as a product of their exclusion, accessed by learning the style, politics, values and language of alternative cultural forms, what Klein (2000: 66) referred to as the ‘mental space’ provided by challenging conventional mores. Today, with or without the aid of the ‘baby boomers’ responsible, subculture has become dressed up in its most banal form – style – that can be accessed by anyone with a credit card. Lovatt and O’Connor (1995: 133), whilst writing with enthusiasm about the development of nightlife in Manchester in the 1990s, also pointed out that in the context of regeneration, nightlife had the potential to become like the daytime economy, a ‘bland consumerist playground of chain stores and fast food outlets’ in which new forms of exclusion could take place.

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10 I do not intend here to examine the legitimacy of those claims and perceptions, although in different ways doubts have been cast upon the real extent of cultural contribution, not least because they are not differentially categorised in official statistics (Policy Research Institute 1996). Moreover, there is a question of whether culture is an economic driver or merely a form of social management in a period of decline, concerns that have been raised by Zukin (1989) and Mole (1996).

As the above suggests, the benefits of the urban conversion process, or what has been referred to as gentrification in the UK, has not benefited everyone. Janet Foster's (1999) research conducted in the East End illustrated that the development of the Docklands site led to a splintering of communities into the rich, the white working-class poor, and the minority ethnic poor, while Amin, Massey and Thrift (2000) raised concerns that the new cultural economy of the New Labour/Blair axis was profoundly middle-class in its emphasis, excluding the benefits of diversity. The research conducted in Southview is also concerned with 'who wins' and the fate of diversity in regeneration strategies. The question of who wins and who loses in the developing night-time economies however, as illustrated earlier, was mediated by the nature of legal regulation and policing strategies. The following section explores the contemporary nature of licensing regulation, specifically the reframing and rediscovery of disorderly spaces, with which this research was concerned.

### **Differentiation and Disorder: the Rediscovery of Nightlife as a Social Problem**

The first attempt to analyse the changing nature of licensing regulation in response to the new economic structures described above originated from Manchester. Lovatt (1996) argued that licensing regimes echoed post-war 'Fordist bureaucratic control and planning' (Lovatt 1996:144) in which night and day were clearly demarcated through controls over supply and closing times, supporting the key structures of work and family. The changing political economy of the city – de-industrialisation and the growth of the service and cultural economy, regeneration initiatives and so on - marked a shift towards a more 'flexible' regulatory regime. Manchester was promoted and repackaged as a 'realm of play, of socialisation and of the carnivalesque' (Lovatt 1996:150), and hence legal and policy changes shifted to take account of these developments although still facing hostility from magistrates, planners and the police. Events already described surrounding the Hacienda, however, promoted an administrative change where power was taken out of the hands of council officers by bringing licensing under the remit of the Leaders Office. A change in Chief Constable in Manchester opened up the possibility of new relationships between the Council, police and club owners. On the one hand, the night-time economy was emphasised in the city's new imaging and led to a rise in the number of venues. On the other, innovations took place in the mode of regulation, through the creation of the Pub and Club Network, the Safer Dancing Campaign (initiated by Lifeline), the Doorstaff Registration Scheme and frequent liaison between the police, council and club owners. This was described by Lovatt as a 'flatter, more responsive system of urban governance in the city' (Lovatt 1996:161).

In this analysis, while it is the changing nature of the economic and social landscape that unravelled and transformed the nature of regulation, local regulatory arrangements could also 'distort' the impact of global shifts as illustrated by the struggles that ensued within local institutions. For example, Lovatt pointed to an initial 'schism' between three different 'factions' – the leadership of the Council, cultural producers and consumers and council officers and the police – in which

council officers and the police continued to see the night time economy as a problem (Lovatt 1993). Licensing authorities attempted to regulate the night-time economy through restricting access to licenses and excluding ‘undesirables’ from the city centre. However, it was the inability of these bodies to halt the expansion of pleasure-orientated consumption of nightlife that indicated a shift towards deregulation enhanced by modes of responsabilisation through partnership and other compliance strategies. The changes that occurred, however, were not strategic and as such there was always a possibility of a renewed attraction towards Fordist regulatory practices.

The shifting nature of regulatory strategies, and the conflicting interests of cultural regeneration versus social order and fear of the night has continued to haunt debates as to the function and problematics of the night-time economy. Theorists have emphasised the impact of deregulation and governmental retreat in relation to night-time economies, resulting in the unparalleled growth in drinking, disorder and private security (Bromley et al. 2000, Thomas and Bromley 2000, Hobbs et al. 2003). However, as will be seen in chapters six and seven of this book and as noted above, recent changes can be characterised not so much as retreat but a reframing of regulatory strategies. The research conducted in Southview is an attempt to grasp the nature of those strategies, and what they have in common with analysis relating to new forms of social control (Cohen 1985, Young 1999, Garland 2001), which serve as a reminder that social and cultural change prompts new configurations of differentiation, inclusion and exclusion.

The new regulatory framework for managing the night-time economy can be seen most clearly in the Licensing Act 2003 and subsequent legislation. Although the Act to some degree reflected a rationalisation of existing licensing law (Better Regulation Task Force 1998), it also consolidated over a decade of local practice. It caused consternation amongst policy-makers because it abolished statutory closing times and the presumption that licensing authorities (now local authorities) should allow an application unless there are objections from the police, residents, environmental health, fire authorities and so on. Licensing authorities had also to work within the Secretary of State Guidance, which limited their autonomy to control supply and closing times. Because of the domination of the night-time economy by large chains, there was a fear that residents and local authorities will have little capacity to object because of the ability of chains to hire effective legal teams (Roberts et al. 2002).

In so far as one is analysing a relationship between the large breweries/chains and residents, a neo-liberal dynamic is certainly observable (although in need of further research), and the attitude of the Department for Culture, Media and Sport towards the liberalisation of gambling would certainly indicate a specific ideological perspective in that respect. However, there is a key dynamic that is often overlooked both in the operation of licensing regimes for over a decade and in the Licensing Act 2003 because the night-time economy is viewed as a homogeneous block. While the measures favour big business, small business, depending on it's character, will find the regulatory terrain, more, not less, difficult to negotiate, as this book aims to illustrate. The Licensing Act 2003 is permeated with a bifurcated (Cohen 1985) system of control that, as seen in the White Paper on Licensing Reform, attempts to culturally differentiate between acceptable and unacceptable behaviours and venues.

In the White Paper, for example, the violent and disorderly are juxtaposed to citizens and tourists, disorderly venues to 'family-orientated and café-style' venues, and irresponsible to responsible licensees (Home Office 2000). What is occurring in this legislative thrust is that the night-time economy has been included alongside a range of behaviours labelled anti-social and increasingly subject to spatial and behavioural controls, illustrated by the emphasis on orderly and disorderly cultural and spatial forms in relation to bars and clubs.

Nearly a decade of New Labour in office has been marked by a preoccupation with societal violence and disaggregation, fuelling the incorporation in law of such concepts of 'anti-social behaviour' and 'disorder' in which certain behaviours have been held responsible for a collapse in civility, which in turn is thought to have a causal relationship to supposedly rising crime rates (Wilson and Kelling 1982, Kelling 2001). Beginning with the Crime and Disorder Act 1998 there has been permeation of civil and criminal law, and a 'criminalisation' of social policy and democratic governance (Hughes et al. 2002). The incorporation of concepts of disorder and incivility has broader consequences for due process and civil liberties. Brown (2004), for example, points to the evidential problems in a system of punishment largely defined by subjective interests. As evident even in government reports, perceptions of what anti-social behaviour is are defined by localised concerns (Home Office 2003), thus further undermining national or universal ideas of what crime is and increasing tendencies towards an escalation of criminalising behaviours. Within the night-time economy, the Criminal Justice and Police Act 2001, the Licensing Act itself, the Anti-social Behaviour Act 2003, the Clean Neighbourhood and Environment Act 2005, changes to planning regulations over use classes, the Violent Crime Reduction Bill and crime prevention measures (Police Standards Unit and Crime Directorate 2005) have brought in a range of sanctions and controls that belie the assumed tendency towards deregulation. Closure Orders, 'On the Spot' fines, License Reviews, new sanctions and responsibilities for licensees and their staff, Exclusion Orders, Alcohol Disorder Zones, and planning controls have strengthened the powers of the police and councils to reproblematised nightlife. In particular, it enhances the tendency to differentiate between the orderly and disorderly, the causes and consequences of which are illustrated in this book.

A preoccupation with incivility and disorder is not, however, simply a construction of policy. As Garland (2001) has illustrated, fear, risk consciousness and a demand for the punitive curtailment of problematic behaviours, the 'culture of control', is embedded in the social and spatial landscape. While Garland locates this phenomena in the failures of traditional systems of justice to cope with rising crime rates, Rose (2000) argues that we are locked into circuits of inclusion and exclusion based around an ability to conform to behaviours that will allow access to mainstream consumption. Those who are unable to translate into the circuits of inclusion are pushed into the 'underclass' that has specific cultures and modes of reproduction. One might interpret this as poverty or welfare dependency that has become culturally entrenched and, as Young (1999) argues, that the main fault lines of society are no longer wholly concerned with 'diversity' but with 'difficulty'; late modern society has redefined those traditionally excluded on the basis of race, sexuality or alternatively as a saleable commodity but has an intolerance of the behaviours associated with

the marginalised – the underside of the consumer society. Just as we have created a society that culturally celebrates ownership and things whilst rapidly dismantling the equal ability to access this culture, we have similarly expanded consumption at night whilst criminalising its effects.

It is a return to the concept of gentrification that summarises the effects of the consumer society within public space in general, for example in escalating house prices, as the inner city is revalorised after an extended period of decline. Not only do the processes involved in gentrification serve to ‘reclaim’ the inner city for the middle-classes through a suggestion that their economic and ‘social capital’ is the only possibility for regeneration thereby, as Smith (1996: 32) argues, proposing that ‘affected neighbourhoods were somehow devitalised or culturally moribund prior to gentrification’ (1996:32); gentrification also excludes. Smith, for example, argues that the language of inner city development has become more defensive in the wake of economic decline. The desire to reclaim the inner city is harnessed onto strategies designed to curb the presumed ‘crime and violence, drugs and unemployment, immigration and depravity’ (1996:211) associated in popular discourse with immigrants, the poor, minorities, the unemployed, and any other new categories of exclusion. In other words a strong desire to ‘sanitise’ the city’. Zukin refers to the idea of ‘disneyfication’ to describe the search for an ‘ideal’ urban space, free from the risks of the inner city, and a consciousness not just recreated in Disneyland itself, but in the inner city gentrified districts (Zukin 1991, 1995). Techniques of control emerge whereby the ‘other’ is objectified in spatial localities by the adoption of strategies of containment through the closure, privatisation and sanitisation of public space. As a consequence, the discourse of security and protection became a common currency of public discourse, alongside strategies that contain risk and the fear of risk, such as private security, gated communities and Zero Tolerance (Young 1999). Davis’s (1990) description of the dystopia that is the ‘pure capitalism’ of Los Angeles, is illustrative of the way in which populations are divided along class lines in a ‘fortress’ style form of social control as a consequence of the escalation of market-led ‘reaction’. As he argues, in ‘cities like Los Angeles, on the bad end of postmodernity, one observes an unprecedented tendency to merge urban design, architecture and the police apparatus into a single, comprehensive security effort’ (Davis 1990:224). This process in the US is a racialised one, as witnessed in what Davis analysed as the callous disposal of disadvantaged black communities in a flooded New Orleans (Davis 2005). Although the brutality, segregation and powerlessness described here is seen to be not necessarily illustrative of the British context (O’Connor and Wynne 1996), similar processes enacted through regeneration initiatives have been found in the night-time economy in Newcastle (Chatterton and Hollands 2002, 2003), in Manchester (Böse 2005) and in the research that is the subject of this book.

Yet it is also the case that the consumer society holds the potential to incorporate both diverse and difficult behaviours into the valorisation process, and, as noted by O’Connor and Wynne (1996), or Hobbs et al. (2003) liminality and transgression are built in to the promotion of night-time products. The circuits of inclusion and exclusion are unstable because of the underlying capacity of any cultural form of social behaviour to be commodified. The violence of gang culture and the poverty

of the 'streets' can be repackaged and celebrated in film and music whilst any kind of prohibited behaviour can be made into an 'ironic statement' aptly satirised by Charlie Brooker's take on the emotional and moral vacuity of young middle-class professionals in Hoxton (Nathan Barley [www.thegestalt.org/simon/cunt/](http://www.thegestalt.org/simon/cunt/)). In a society dependent on facilitating consumption, including mainstream cultural and what was been traditionally viewed as subcultural products, urban redevelopment appears reliant on the mobilisation of fantasy and its ability to renegotiate the terms of social reality. Coexisting therefore with traditional forms of exclusion is an increasingly bizarre dystopian universe of behaviours freed from traditional repression and social or moral constraint. This book is an attempt to grasp how this dualism manifests itself in local regeneration and regulatory strategies in the development of night-time economies.

Mediated at local level, the dualism of the reality of exclusion and the fantasy of assimilation becomes retranslated as the theft of subcultural product and its retranslation into a sanitised version of itself (White 2004) alongside the practical exclusion from the actual gains of revalorisation. Subcultures and the counterculture were innovative and experimental, but also dangerous and destructive. Discourse and policy that is concerned with intoxication in the night-time economy is currently searching for a risk-free nightlife, yet traditionally cultural experimentation was by its nature risky, involving as it did the dynamics of social mobility, the innovation of political and cultural ideologies mediated through the marrying of intellectuals and working-class anger (exemplified in Punk) and personal or moral experimentation often resulting in freefall. The essential disorganisation and potential destructiveness of such trends are all evident in the locality of Southview. However, as Klein argues, the commodification and branding of alternative culture involves a loss of not just physical but mental space, that is, the possibility of imagining alternatives.

This book aims to explore themes of subcultural appropriation and exclusion as enacted through the development of a 'night-time economy' in Southview, London. It is particularly focussed on regulatory strategies and how individuals within key networks were bound or constrained by both the objective direction of change and their adopted subjectivity, the outcome being an urban conversion process (Zukin 1989) orientated towards harnessing the cultural capital incoming young white professionals. The following chapter will outline how this research was conducted, and in particular how the historical legacy of the management of social relations in Southview defined the direction and management of the research. Chapters three to seven will then explore the legacy of criminalisation for economic and cultural development, gentrification and the reconfiguration of regulatory strategies in relation to nightlife and the night-time economy.

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## Chapter Two

# Negotiating Research into the Regulation of 'Outsider' Areas

Lovatt (1996) identified in his research into the development of the night-time economy in Manchester that there was a crucial interconnection between strategies to regenerate the inner city in the post-industrial context and the relaxing of 'post-Fordist' licensing regulation, an observation that has been carried through into other research (Chatterton and Hollands 2002, Hobbs et al. 2003). The strategy to regenerate Manchester's city centre through the promotion of cultural goods, including nightlife, had facilitated a more flexible attitude within regulatory regimes towards closing times and the number of venues permitted in any one area. This research essentially established a framework for investigation: the use of a single case study and the need to look at the twin forces of economic regeneration and licensing law mediated through local actors or entrepreneurs. The same processes were easily identifiable in Southview, and, like other inner city experiments in developing 'night-time economies', the critical mass of change occurred in the early to late 1990s. In Southview, this strategic change coincided with a successful City Challenge bid by Southview Borough Council which was then managed by the Southview Challenge Company Limited (SCCL), a limited company consisting of a partnership between large business, small business, executive expertise, the police and community representatives such as residents associations.

It was fairly clear however, from early on in the research, that investigating a somewhat linear relationship between urban boosterism and deregulation, although part of the picture, would not capture the nature of change in Southview. The stigmatisation and racialisation of the area that had occurred since the 1960s and particularly the 1970s, rendering it an 'outsider area', was written into its spatial landscape and social relations and this included all aspects of governance. Any aspect of change, positive or negative, always had to take account of the specific history of Southview, and this research needed to at least make an attempt to weave through the subterranean world of alleged conspiracy, corruption, accusation, fear and rumour. Although, following on from previous research, it would have been easier to utilise only documents and interviews to analyse the changing regulatory consciousness, it was fairly clear that nothing was what it seemed in Southview, and that to rely on such techniques would skate over the surface of on the one hand official denial and on the other the production of local myths. Because of this problem, the research needed to absorb the variety of local perception and analyse how such subjectivities influenced and worked with the dynamics of change, or the lack of it. Being a participant became an important part of this research, even if in the final presentation of the data much of what is expressed concerns the nature of regulatory change only.



Moreover, it is only very recently that the spaces of nightlife (as opposed to youth subcultures) and the regulatory forms that control them, with the exception of some historical research into liquor licensing law (Dorn 1983, Harrison 1994), have been subject to more systematic enquiry. Nightclubs and bars, and the laws and practices that police them, were thought to be of so little historical interest that even the Public Records Office have neglected to save many government files pertaining to changes in licensing law. Not only, therefore, was Southview as an ‘outsider area’ difficult to penetrate, but the problem was compounded by a focus on entertainment spaces that historically have themselves been viewed as an outsider form unworthy of empathetic understanding, the nuances of which not being interest to academia or policymakers. This obviously changed largely as a result of rave and key research being undertaken in Manchester, as already examined in chapter one. The abiding problem however was a lack of longitudinal data sources and historical memory, much of which had to be reconstructed from disparate sources and analytically reconstituted.

A key question for this research was to identify how an area that for over a quarter of a century had been identified with black and Afro-Caribbean politics, culture and night cultural forms had so swiftly been turned over to white middle-class consumption, albeit with an uneven outcome. This change was not so evident in retail or even housing, although the processes of gentrification, accompanied by rising house prices and a sizable gap between the wealthy and the poor, were evident in all its destabilising effect. The urban conversion process was however observable and frequently commented on by residents in the creation of the ‘night-time economy’ and this included the former ‘front line’. It was important to ask the question of what had produced this change and to what extent was it, as some respondents feared, a conscious desire to rid Southview of its Caribbean heritage. Whilst academic research for the most part prioritises complexity over conspiracy and hence would discuss such local anxieties, as Hillyard (2003) argues of corporate criminals, conspiracies are common and a normal way of organising in powerful circles, and analyses of institutional racism attempt to explain how an unconscious racism can be expressed through institutional practices (Macpherson 1999) and spatial organisation (Smith 1993). In view of the rapid change noted, therefore, it was not an unreasonable question to ask. The research therefore was not only orientated towards examining the interrelationship between economic development and licensing law and practice, but also how this interrelationship was mediated locally in Southview’s history of community and racial conflict.

In order to answer this basic question three areas of investigation were identified: the contribution of regeneration strategies to the development of the ‘night-time economy’; social and cultural changes, specifically how those within the night-time economy developed their businesses and how changes within the local population contributed to the nature of cultural development; and the local interpretation of licensing law, policy and policing. The research also needed to take into account how Southview’s history had materialised itself in contemporary practice dilemmas. In terms of personnel to be accessed, this entailed working with regeneration bodies, licensing agencies, the police and licensees. Moreover, for the reasons already indicated, the research involved participant observation to identify interrelationships

and cultural meanings in a natural setting (Brewer 2000) and in the case of the rather subterranean world of nightlife and the regulation of nightlife in particular, an understanding of the local relationships and dynamics through the ethnographic approach was important in order to situate the forms of disputes, the influence of history and the subtle expressions of racial and class difference. Having spent a great deal of time throughout the years in the locality, as well as having a long-standing experience of nightlife, the adaptation to particular cultural vernaculars was easier. However, in terms of understanding the mechanics of regulation and the strategies of regeneration, accessing an approximation of real underlying patterns in an area marked by racial tension and fear, rumours of police corruption, and publicity shy regeneration agencies was not a simple process.

The methods chosen for this research were semi-structured in-depth interviews, analysis of documents and ethnographic participant observation. From the perspective of studying the practices and subjectivity of regulators and regenerators, but having no insider status, semi-structured in-depth interviews seemed the most appropriate means of facilitating access. As Brewer (2000) argues, such interviews are able to handle both factual questions (for example, history and practice of the respondents) and more open-ended questions (the way they perceived law or policy). The use of historical, legal and policy documents would be a means of reinforcing an understanding of practices; for example, using licensing minutes to analyse the basis of decision making vis-à-vis licensing. Moreover, because the project was analysed as historical process, documentary research along with interviews used as historical documents could provide an interpretation of historical developments. Unlike interviews, as stated by Brewer (2000), documents that exist prior to research are generally not contrived and most importantly are longitudinal. Lastly, ethnographic participant observation would provide a perspective on policies as they emerge in the natural setting, and, moreover, provide an understanding of the way that local culture and club culture interacted dynamically with the perceived changes. The research was embedded in a 'grounded theory' approach (Brewer 2000) where data generates theory and analysis and reflection ongoing.

The main form of validity used was triangulation, described by Walsh (1998:231) as the use of different kinds of data as corroboration as they derive from 'different phases of fieldwork, different points of time, accounts of different participants, or using different methods of data collection'. As Miller (1998:25) argues, it is assumed that by looking at an object from more than one standpoint, the researcher gains a more 'comprehensive' knowledge about that object. Triangulation was particularly important in this research due to the object of study and the limitations derived from the study of the regulation of outsider spaces described throughout this chapter because it can be used to reveal both different viewpoints of the same reality and also more pragmatically to 'extend the range of data' (Brewer 2000:59). For example, documentary and ethnographic data could be used in the context of the interview to clarify accounts of events and reveal points of knowledge that could not be by-passed in a 'power-play' by the interviewee. Points raised in interviews, for example, the preoccupation with 'noise' expressed by council officers, could clarify the meanings of ethnographic data, for example, the way that security staff obsessively closed doors, and with documentary data, such as the frequent emphasis on noise in the

licensing minutes. Lastly, ethnographic data, such as actually witnessing or following events referred to by interviewees, could throw light on the contradictions present in documentary accounts. To a lesser degree the research also relied on respondent validation (Walsh 1998) where initial findings were often raised with interviewees as a point of discussion. What follows is a description of the particular techniques used and the problems encountered.

One last initial point concerns the timing of the research. It was conducted between February 1998 and August 2000, with the most intense period of research occurring between June 1998 and August 2000. The main ethnographic research occurred between June 1998 and December 1999, while documentary sources were consistently sought throughout the whole research period described above. Although on occasion the book will refer to a more contemporary reality or sources,<sup>1</sup> the case is orientated towards understanding a particular moment of change as opposed to illuminating recent dynamics.

### **Interviewing the Regulators and the Regulated**

There were broadly five groups of people approached for interview: board members and the Executive of the Southview Challenge Company Limited (SCCL); members of the Council involved in regeneration issues; personnel involved in the regulation of licensing, for example, the police, council officers, councillors and magistrates,<sup>2</sup> nightclub owners or managers (whoever was the licensee, in other words); various members of the local 'community' - residents associations, community groups or social movement/squatter groups. In total, thirty-one formal interviews were conducted, three of which were re-interviewed for either pragmatic reasons or for the purposes of clarity.<sup>3</sup> In addition, a range of informal conversations or interviews arose as a part of the research process. These included several conversations with two academics researching SCCL, the police inspector in charge of the licensing division, one club owner (a conversation in a bar that later materialised into an interview), three officers from the Council, an officer from the Government Offices for London, three anarcho-greens involved in various campaigns around the Southview area, three members of a local drugs project, three members of a central residents association and one member of an anti-drugs campaign set up in 1999. A range of other informal interviews and conversations also took place as part of the local ethnography, some of which were relevant to the final write up and some which were excluded (the

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1 A case in point being a cocaine dealer referred to in chapter six, who was present in an occupational capacity at an affluent social occasion I attended for entirely social purposes.

2 Although bodies such as the fire brigade are involved, they are largely involved in health and safety monitoring and therefore could be described as not directly ideological in the sense that they do not make decisions, but only advise.

3 In one case this was due to lack of time for the original interview. In the other cases (a licensing officer and the licensing officer for the Metropolitan Police), they were re-interviewed for the purposes of clarifying certain key historical and contemporary points, particularly around race. This was necessary as the initial interviews had been conducted early on whilst the core research questions were still being accurately framed.

information was interesting but perhaps not directly relevant to the subject). Many of these accounts were accessed by contacts I already had in the area, for example friends and associates who had lived there for a number of years, some since the 1970s. These formed an important backdrop and source of information, particularly in guiding whom to access and what questions to ask. For example, the owner of the StarBar, Neville Hampton, evaded me for a considerable period of time, but because of this kind of local knowledge it was important to pursue him. I had three such 'guides' who were channelling information to me in different ways. One had direct experience of race-associated conflicts and the way this impacted on nightlife. Another had experience of the history of political conflicts in the area. Another was in touch with young professionals and the media.

There were problems in obtaining access to individuals in Southview Council and SCCL. The board members of SCCL proved to be fairly reluctant to being interviewed after they were tracked down, which in itself required some effort as SCCL had disbanded in March 1998, in other words, just prior to my attempts to contact interviewees. After interviewing Board members it became fairly clear that most had been stung by the high level of in-fighting and recrimination that had taken place on the Board, discussed in chapter four, as well as negative media attention and resistance from Southview Council. It was noteworthy that many of the interviews, particularly for the individual board members as opposed to the Executive, were taken up with relaying those impressions, rather than any developed insights in relation to issues of regeneration locally, although such reflections were not entirely absent particularly when it was clear the interviews would pertain to these aspects of the experience as opposed to the negatives.

Although those interviewed were generally co-operative, relaying a series of descriptions and perspectives that coalesced in terms of both events and conflicts, they do not provide a complete picture as key members of the Board refused to return my calls or arranged meetings and then did not turn up. This included the Metropolitan Police Divisional Commander who sat on the Board from 1994 onwards; his predecessor, who had retired and could not be contacted despite several attempts; one community forum member who had moved on to a different project and similarly did not return my calls; and the Leader of the Council who had sat on SCCL but who again did not return my calls or letters. In addition, the interview with the Chief Executive of SCCL took over a year to finalise and the interview was only agreed to if a list of questions were provided beforehand. The interview could not be taped and was conducted over the telephone.<sup>4</sup>

If interviewing members of SCCL was difficult, co-operation from the Council was near impossible in terms of the remit of regeneration. I was able to interview the newly appointed Town Centre Manager and the Crime Officer, and in addition had an informal conversation with a long-standing regeneration officer at the start of the interview process and a shorter conversation in which I requested some statistical information from the Council and Single Regeneration Reports.<sup>5</sup> In general however,

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4 Most of the interviews were taped, although some requested that the recorder was paused for specific 'off the record' comments.

5 These never arrived.

I met from the Council what can only be described as resistance. This again was due to a negative experience of the Challenge programme, and indeed one respondent, the Town Centre Manager, argued that they wanted to draw a line over the project. There were also practical problems involved with access, for example, high staff turnover and lack of continuity as a result. To some extent the problem of access was mitigated through other respondents and data sources, as should be evident in the following chapters.

In contrast, those personnel involved in licensing proved to be more accessible and open in the interview process, arguably as it is a less observed and less contested area politically. Within this group, I interviewed the Head of the Directorate of Regulation of the Council, and three other officers of the Directorate of Regulation: one who dealt with entertainment licensing (interviewed twice), the Council's solicitor and a noise officer. I was also able to interview two current members of the Licensing Committee of the Council (the Chair and the Vice-Chair), a former long-standing member of the Licensing Committee (who also sat on the Planning Committee and was central to initiating a change in licensing hours in Southview) and one long-standing opponent of licensing deregulation. Within the local Metropolitan Police I interviewed the local Licensing Officer, a Sergeant (twice) along with his superior, an Inspector, and the local Metropolitan Police Community Liaison Officer, also an Inspector. I was also able to interview the Chief Superintendent of the Clubs and Vice Squad in Westminster, which influences policy across London. Access to the Metropolitan Police and their relative openness was facilitated by an academic contact in Scotland Yard. The magistrates' court was less forthcoming in permitting access to court records.<sup>6</sup>

In addition, eight licensees were interviewed from six of the venues (clubs or bars) that dominated the centre of Southview.<sup>7</sup> Five of the interviewees had set up businesses in the area in the 1980s and had therefore long term perspectives on licensing and regeneration issues. Two of the licensees were black and six were white (although one licensee was in the business with her black partner and one was in partnership with an Indonesian businessman and with the black co-owner of the Zebra Bar).

The interviews were conducted mostly in Southview itself, in the premises of the interviewees (offices or clubs) or in local cafes, which meant that as far as possible the interviewees 'personal and social context' (Kvale 1996:212) could be noted and commented upon. Why this was important could be demonstrated by one interview in which Neville Hampton of the StarBar who kept me waiting for an hour and a half. Although a typical power strategy on his part, this time gave me the opportunity to observe what took place in the bar during the daylight hours, and I witnessed five business deals and that a meeting was being held by the police in private rooms upstairs.

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6 Although it would have been possible to attend court sessions, it would have been time consuming and perhaps more relevant to a different kind of research project.

7 In terms of one venue, the Dome/Dome Bar, I had originally interviewed the manager but he had only been working there for around 2-3 years. I was then able to get hold of the partnership that actually set up the Dome in 1981.

The choice of the semi-structured interview for this research was guided by the type of information needed; that is, attempting to reconstruct both the process of change, the practices of local state actors, their local impact and the way in which people conceptualise and react to those changes. Kvale (1996) defines the 'semi-structured life world interview' as 'an interview whose purpose is to obtain descriptions of the life world of the interviewee with respect to interpreting the meaning of the described phenomena' (1996:6), but for the purposes of this research it is obvious that the semi-structured interview needed to be adapted for more diverse purposes. One reason for this was that because the object of the research was *regulators* as well as those regulated, the interview needed to not only explore the 'life world' meanings of the individual actor in his or her functional context, but also to bridge the gap described in accessing historical and practice-orientated data. The dual function of the semi-structured interview as described, therefore took on an unusual temporality (Perakyla 1998), in that issues of long-term processes and practices alongside the temporally limited consciousness of those actors are all conducted within the confines of an approximately one-hour interview. Clearly there are limits to the extent to which interviews can function in this dual sense. However, such a function is simply a pragmatic resolution to the problem of access.

The question of the limits of available written knowledge also created the added problem of what questions to ask that would access the required forms of knowledge and prompt unselfconscious reflection amongst interviewees, without provoking a need on the part of the interviewees to implement closure for political or legal reasons. Inevitably, as this was a difficult line to follow, mistakes were made, particularly when interviewing more politically active actors who had learnt efficient devices of self-protection, often prompting impatience on my part. However, there were various techniques and devices that could be employed to overcome both the obstacles described above.

First, the issue of anonymity played an important part in alleviating the problem of access and in negotiating the issue of trust in the interview process. It is common in all research to protect the identities of interviewees and spaces through anonymity. Because of the difficulties of securing agreement a pragmatic albeit difficult decision was made to create area anonymity by using the pseudonym Southview. This did actually aid access and individuals seemed to appreciate the additional ethical dilemma of avoiding sensationalism in the researching of well-known stigmatised areas. As an example of the latter point, four journalists asked whether they could read the final product, but area anonymity assured them that my account was worthless for their needs. It is obviously the case, as with other studies (Lynd and Lynd 1929) that some areas, although granted anonymity, were easily identified (Punch 1998). However, whilst recognition is inevitable and expected, nevertheless area anonymity still retains useful functions. It forces a responsibility on the part of the researcher to describe rather than rely on common stereotypes of the area, as well as rendering it therefore of little interest to the press as already described. It furthermore demonstrated that the researcher was more interested in investigating

the nature of social change that being involved in publicising yet another failure for the purposes of personal ambition.<sup>8</sup>

Second, it was important, in general, to adopt an attitude of empathetic ‘openness’ (Kvale, 1996:149) to the positions, ideas, and practices of those interviewed. This, of course, was very difficult given that overall the research is defined as a critical project,<sup>9</sup> and many of the views expressed and practices adopted were entirely contrary to the researchers. An obvious point that arises from this is that there is a potential ethical problem in the interviewer hiding or being vague about the research purpose (Punch 1998:172). Interviewees were all told what the research was about in general terms - a study into the regulation of nightclubs, the relationship between licensing and regeneration - and were told the areas, the organisation/venue, and that their identity would be kept anonymous for publication, but rarely were any initial findings discussed with individuals. Did this indicate an ethical problem in the interview process? I would argue not. In most of the interviews the respondents were simply describing their jobs as they understood them to be - their life-world – and the analysis attempted to reflect the nuances of subjectivity and practice. In this respect most of the interviews, particularly those of the regulators, enabled subjectivity and the nature of decision-making to be discussed in a descriptive and abstracted way through looking at cases and how law, precedent and institutional culture impacted on their roles. Such openness and neutrality seemed to engender trust, alongside the length of time in which the research was conducted allowing the researcher to be known in the area.

The interviews were analysed through the means of manual coding and interpretation rather than computer assisted analysis, largely because the data had multiple purposes as a representation of the subjectivity of actors, oral history and a documentary source (Seale and Kelly 1998, Brewer 2000). Given the nature of the research and the area concerned, one interesting issue that arose was how to view ‘rumour’ or ‘hearsay’ expressed by respondents. The direct use of such data could be viewed as legally problematic and ‘unscientific’, yet in another way expressed something of the nature of Southview; a form of discourse motivated by a sense of powerlessness and, as Foucault (1980) argues, subjugated or popular forms of knowledge that are given little credence because of their disqualification by mainstream discourse. For Foucault, ‘local, discontinuous, disqualified, illegitimate sources’ are a core aspect of his genealogical method and were held to reveal an underlying ‘truth’ of power (1980:82). Throughout the research, these local utterances were recorded and utilised as a means to understand the expression of powerlessness and alienation from local governance.

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8 Certainly area anonymity has rendered the research and the researcher of less interest to mainstream opinion.

9 Despite the problem of potential bias versus the need to retain objectivity (Hammersley 2000), it is difficult to see how a research project such as this could be designed without a critical impulse.

## **Observing Local Dynamics and Quasi-private Spaces**

The process of observation occurred in two areas. First, time was spent in the locality, observing geographical changes (changes in premises or building work, displayed notices, changes in ownership) and social inter-relationships (the way in which people acted and the perspectives displayed). This phase of the research mainly occurred between February 1998 and June 2000, during which I would go there approximately once every two weeks (although more frequently during the summer). Additionally I had lived in Southview in 1989 and between July and December 1998, and had visited the area several times between these points. Urban sociology has a long tradition of emulating the flâneur, and moreover has a tendency to cross the border into sociology as fiction (Raban 1974) and such imprecise measures of the locality were employed here. I spent my time wandering around the streets, drinking in cafés, walking around the shops and went to many parties and dinners of residents. The differing forms of my existence there – as resident, as visitor, as researcher – allowed, I believe, for a more complex appreciation of the conflicts and processes of the area. I was able, at first hand, to witness people's developing reactions to the area, the kinds of discussions that took place, and unfolding events along with an attempt to absorb through an approximation of the techniques of psychogeography (Debord 1955/1998) the feelings derived from particular areas and spaces. Even if they did not necessarily pertain to the content of the research as presented here, they form the context, the flavour and the content of reflection and analysis that flows throughout.

Second, I went anywhere between one and three times to all the venues (clubs, bars) in the Southview area. The point of participant observation in this sense was not to study subcultures, as is the tradition of youth culture research. In any event, such conceptions were largely irrelevant in what were wholly commercial spaces and certainly not of interest to those with a predilection for alternative culture (Thornton 1995). However, as the prior statement implies, the 'ethnography' was conducted from a standpoint of prior experience of radical popular cultures, and judgments were undoubtedly made as to the quality of the culture on offer and the forms of discrimination observable. In essence, this aspect of the research enabled me to observe types of night venues that I would normally avoid on a night out, and gain a perspective on the composition of the crowd, door and security policies, and layout and ambience of a venue. The observations from both forms of study would then be recorded in a field notebook on return from the trip or nightclub.

This process was rather limited by finance and, to some extent, choice. Each bar on a weekend night costs between £3 and £4 to enter, while a nightclub costs between £8 and £15. Most people get by if they are on a limited income at these prices by prioritising what they spend money on; that is, food, rent, heat or clothes, clubbing, substances. My work, age and so on precluded choosing the latter over the former, and required me to limit visitation. Although a £400 grant was received to 'go clubbing' (admission fees and taxi) this was hardly enough for constant attendance, let alone pay for all the 'extras' of a normal night out. More peculiar was the request in terms of claiming that receipts should be obtained and this was indicative of the gulf between academic research and everyday life. If the venues in Southview had



been more interesting, however, sacrifices might have been made. Practically all venues in central Southview, however, were for the eighteen to twenty-four year-olds, and commercially and tourist-orientated.

The dual focus on both night-time and daytime observation, as well as the triad of research methods used (participant observation, semi-structured interviews and documents) naturally created exhausting tensions in the research process itself. This was partly a question of time, in the sense that absorption in nightlife is necessarily of a different category to that of daytime experiences (unless the researcher simply looks at nightlife with the same judgment as that of the day). Absorption into nightlife requires adjustment in terms of sleep patterns, more fluid behavioural patterns and also a more tolerant attitude to others. Melbin (1978), for example, accurately describes the night as a time of greater freedom, lawlessness and less bureaucratic centralisation, unconventional behaviour, violence but with greater co-operation between strangers. The requirement to manage both daytime and night time research experiences, therefore, came up against the contradiction of never being fully involved in the nightlife available. Moreover, the need to actually pay attention to the surroundings as opposed to the usual decline into intoxication normal to nightlife added to this problem. Without the aid of intoxication or fantasy (or both), nightlife ceases to be engaging and is simply tacky, uninteresting, annoyingly drunken, crowded and dirty. It was fortunate that the researcher, having attended various night-time events since 1980, had other experiences to mediate those of researching in this area, and it is obvious therefore that no researcher should be investigating nightlife without also having been capable of enjoying it.

Largely, the interpretation of cultural and social differentiation described in chapter six, and indeed throughout this thesis, is a product of those reflections on past and present experiences, and is symbolic of the role of 'self' in the research process. To make a distinction between regulated and unregulated, or cultural and commodified spaces is to make a judgment that not everyone would share. As seen in chapter one with contemporary discourses on 'alcohol-related disorder', public discussion largely focuses upon nightlife as a 'social problem' in which the finer distinctions in cultural forms are not observed or even seen as worthy of interest. While there has been contemporary and popular discussions on the problem of the commodification of culture outside of academia (Klein 2000), with a few exceptions (Thornton 1995, Chatterton and Hollands 2002), this has not included the night-time economy. Part of this judgment and interpretation of this book has arisen as a result of my own long-term experience of the changes in the form and content of nightlife.

### **Accessing Hidden or Neglected Sources: Documentary Data**

A key part of the research, predicated on an examination of the legal and policy-led constraints acting upon regulators, was an analysis of the historical development of licensing law, particularly entertainment licensing law. In reconstructing a critical, as opposed to legalistic, analysis of the legal regulation of the nightclub/bar/nightlife sector, historicisation became paramount. One reason for this is that, particularly in the case of entertainment and liquor licensing, the law itself tended to simply

consolidate previous statute and case law. As such, investigating the ideological origins of licensing law seemed central to the illumination of the debate in the present (Dorn 1983). While it is the tendency today for central government to assert that the proposed changes in entertainment and liquor licensing will be a radical departure from past legislation, proposals so far simply refine, as opposed to radically alter, past legislative practices (Home Office 2000). It became important therefore, to investigate the rationale of policy and statutory developments by examining legal history and compiling a chronology of policy and law as far as possible,<sup>10</sup> even if these findings did not form a central part of the research. Alongside academic research examined in chapter one which is focused on liquor licensing, and legal texts (Wright 1972, Manchester 1994, Patterson's Licensing Acts 1999), alternative data sources were sought from the Public Records Office, London Metropolitan Archives, White Papers and consultation documents.

In order to examine the ideological content of law, or as Llobera (1998:73) suggested, the 'origins and development of specific social phenomena', it was necessary to look closer at the internal discussions between the civil service, the police and ministers, as well as any other governmental discussions. Despite the politically marginal nature of the subject accessing government files was problematic for two reasons. Firstly, such documents are classified as official secrets and are subject to complex rules governing the release of files. The first Public Records Act was in 1938 and sought to preserve some archives under separate administrative procedures from that of government. The Public Records Act 1958, however, formally instituted this process, and provided for the internal review of departmental records, the establishment of a public records office, and a time limit of 50 years for secrecy, unless 'special considerations' dictated that it should be for longer (PRO 2000). In 1967 the Public Records Act reduced this to 30 years, again, with the possibility to retain their closure for anything up to 100 years.<sup>11</sup> Police files for the Met are kept in a separate archive and not available to the public (Metropolitan Police Archives, 8 February 2000). The archives of the London Metropolitan Archives are reasonably open, but their archive is dependent on records being passed to them by public bodies. This touches on the second problem, that not many records are retained. According to the Public Records Office, government files are only retained if they are perceived to be of historical interest. More local files are often lost or destroyed because of administrative changes. For example, whilst it was possible to access Greater London Council licensing records from between 1976 and 1980, and some isolated files that predated these, after 1980 they were transferred to the local authority and were in fact destroyed in a departmental move by the Directorate of Regulation in Southview. The way that this influences analysis is that it is possible to reconstruct a partial history of licensing law up to, approximately, the end of

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10 Given the complexity of liquor licensing law, which dates back to 1495, according to Patterson's Licensing Acts 1999, the presentation of this has been condensed.

11 Government records are also governed by the Data Protection Act 1998, the Draft Freedom of Information Bill 1999, the Code of Practice on Access to Government Information, the Access to Public Records (PRO), and A Manual of Guidance, consultation draft 1999 (PRO 2000).

the 1960s (and even then some documents are still concealed, for example internal discussions relating to the 1964 Licensing Act). After this point the analysis of the development of statute law is reliant on publicly available discussion documents, such as White Papers and consultation documents, which are more neutral in tone, while reconstructing the history of nightlife in Southview was dependent on oral accounts. At the time the Freedom of Information Act was not in operation so it is unclear how it would have altered the terrain of research.

In researching the case of Southview, there were three other documentary sources: documents relating to regeneration initiatives, the administration of licensing, and more general documents relating to community relations. The first category included those from the Southview Challenge Company Ltd (action plans, audits and annual reports) and Southview Borough Council (relating to the Urban Programme, Strategic Documents, Crime Audit). Also, a few documents from local business organisations and the Southview Town Centre Forum were useful. However, analysis had to take account of the form of these sources as public documents (Atkinson and Coffee 1998, Prior 1998), and as such they were limited in their scope. They were useful in accessing the corporate vision for Southview, identifying key actors, and checking chronology and fact, and, moreover, the discourse of urban boosterism being expressed locally and marketed nationally. Older documents and minutes were obtainable from a local library archive. The second category largely consisted of the Licensing Committee minutes, useful in assessing the basis by which licensing decisions are made, the 'sequence of decisions' (Atkinson and Coffee 1998:57) in Southview and in providing reference material for interviews.

Accessing documents relating to community relations and nightlife were limited. The issue of race, of course, has been consistently discussed in relation to the local police/community conflicts that occurred in 1981 and subsequently, and there was a wealth of material pertaining to the subsequent inquiry in the Public Records Office.<sup>12</sup> These documentary sources, such as the local inquiry report and proceedings (all contained in the Public Records Office but many parts subject to the restrictions outlined in the Public Records Acts) and secondary material, are relevant. However, material was scant in relation to Southview nightlife, even that held within the Black Cultural Archives and it was clear that there had been little focus on entertainment as an aspect of black history. Such accounts were most probably only contained within the memories of participants or 'under peoples beds'.<sup>13</sup> The problem here became, of course, accessing people around from the 1970s and 1980s who participated in the local nightlife, many of whom had either moved on or simply had no public face to access. One detailed account is included, however, from an interviewee, and a long-serving police officer, who relayed his memories of events via the Licensing Sergeant. As already stated, some GLC records were accessed from the London Metropolitan Archives of illegal clubs between 1976 and 1980. Accounts from club owners who had been operating in Southview since the 1970s also filled in some of the gaps.

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12 Although half of these documents were still restricted.

13 According to one local source.

The limitations of local administrative documents were palpable. The minutes of the Licensing Committee were destroyed when they were more than six years old, according to licensing officers. If they were kept, they would be held in council vaults in an unsorted condition inaccessible to the public and researchers, and the Council rejected an offer by the researcher to search for documentary data in this archive. The minutes themselves are of differential quality; some more detailed than others, with different committees adopting different rules of disclosure and closed sessions (from which the press and the public are excluded). The minutes from these sessions are then printed on yellow paper and are confidential. Not all licence applications go to the Licensing Committee, only these that have objections or are new, although one application did not show up in the minutes. Furthermore, many potential applicants did not even get to the application stage, instead receiving advice that they should not apply (see chapter seven). Files, of course, on each venue are kept but are confidential because they are 'current'. Such measures prevent an accurate analysis of the basis for decision-making, and in particular the more subjective attitudes of the police and council officers are not recorded. Locally, when entertainments licensing applications go to appeal, or when the applicant only requires a liquor license, decision making takes place in the local magistrates' court based in another district and such records are not available to the public.

Investigating regeneration in the locality also proved to be a political minefield. Attempts were made throughout the research to deny access to both private and public records with respect to SCCL (held in the basement of the Town Hall, in the Government Offices for London, and in the private records of individual board members)<sup>14</sup> and these documents were also not available in the local library archives. Indeed, formal and informal resistance was encountered that in retrospect could be seen as institutional paranoia. The palpable controversy surrounding SCCL and in fact any major strategy for change carried out in Southview seemed to produce an impulse to conceal. These problems were not confined to my own research, however, as other academic researchers encountered similar denials and alleged threats to sue which cannot be specified here (Field Notes 1999). As those researchers tended to indicate, the initiation of defensive strategies by the protagonists were more motivated by disorganisation and claims of incompetence than any conscious ideological motivation in the issues they were most concerned about. However, the defensiveness expressed by these bodies profoundly influenced the shape of the research, in the sense of putting more emphasis on 'ground level' research to bypass these strategies of concealment; that is, if one cannot look at the inside, one can look from the outside in. In one way, the lack of ease of access benefited the research by moving away from discursive issues and the more rarefied concerns of policy-makers towards the 'real'.

The formal and informal resistance encountered in this research could have served as a separate research project in itself as a case study in 'researching the powerful'. As Tombs and Whyte (2003) argue in relation to corporate and governmental crimes, power is mediated by the capacity to act without public scrutiny. Whilst it

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14 One interviewee offered to show the minutes to me but by that time I had already seen sections of minutes, which demonstrated a great deal of private bickering.

is wholly reasonable to assume that in Southview concealment was promoted more by disorganisation than conspiracy, or by a more generalised anxiety relating to corruption scandals explored in chapter six of this book, at the level of local social relations it was possible to observe the effects of this on the locality. From discussing even the marginal example of the regulation of nightlife and the development of the night-time economy, local residents and business were inclined to be suspicious of any initiative and this corrosion of trust was a product of history, a contemporary lack of accountability and a general ambiance of institutional racism, in its classic form exemplified in neglect (Macpherson 1999) by the institutions of authority, despite ongoing changes within Southview Council. As such, then, analysing the institutional resistance encountered within this research became a key object of the research.

## **Conclusion**

This research was aimed at attempting to uncover the dynamics behind the transformation of nightlife into the ‘night-time economy’ and how new forms of social differentiation were reproduced in the specific context of Southview. As this chapter indicated, however, researching the regulation of ‘outsider areas’, with a long-standing history of alleged mismanagement and even petty corruption, complicated issues of access, and the research and analysis had to take account of this problem. In particular, it was necessary (and this is arguably the case in all research) to not take the presentations of respondents as fact. The analysis of the data required both the need to triangulate data and to analyse and reflect on the data at every stage of the research process. The cross-referencing of data sources was also important because of the traditionally hidden and undocumented area of nightlife. The research therefore required a creative engagement with traditional uses of data, for example, using interviews both as a means to explore the subjectivity of local actors but also as oral history and document – a means to establish the nature of local practices.

Despite the local nature of the research, in many ways the difficulties encountered reflected issues encountered by researchers of the ‘powerful’ – those who through the use of formal or informal means are able to protect themselves and their organisations from investigation. As Tombs and Whyte (2003) note, it is easier to conduct research on the powerless than it is on the powerful. This concerns matters of access, the funding of research that is critical of public or private institutions and perceptions of scientific validity or changes of politicking. As such, these problems affect the kind of research that is ordinarily conducted. As they note, however, such research is no less valid or scientific than other studies, but they do challenge mainstream perceptions as to the nature and cause of social problems. Post 9/11, the race to analyse the ‘pathology’ of young Muslim males has resulted in a neglect or forgetfulness regarding the nature of institutional racism, and indeed why it was relevant to grasp this social fact in the first instance. In the wake of promotion of the default law and order issue of alcohol-related disorder, nightlife or the ‘night-time

economy' has again been reconstituted as a 'social problem'. Studies that advocate the potential of nightlife, that investigate their differential nature or that attempt to examine the sometimes negative impact of regulation on their formation seem, in the words of one reviewer, naïve. Rather than stigmatising the leisure options of young people as divisive or a nuisance and adopt a stance aimed at a simplistic form of control, it would perhaps be more useful long-term to examine how cultural forms impact upon the locality in distinct ways and in particular, the importance of transgression in social development. Whilst primarily aimed at understanding the nature of local regulation in the development of the night-time economy, it is hoped that what follows will touch on some of these themes.

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## Chapter Three

# The Growth, Criminalisation and Decline of Unregulated Night Spaces in Southview

‘The concern to improve the Inner City comes not simply from those who want to improve the condition of minorities, nor from those who want to improve the environment. It rests also on widely diffused racial fears amongst those who believe that whatever the degree of environmental improvement, the Inner City problem will not be solved until the alien black faces presently there are removed from the scene’ (Rex 1981:13).

During the 1980s Southview achieved notoriety in two distinct ways. After street fighting between the police and local residents in 1981 it became the focus for a ‘moral panic’ that created a symbolic interrelationship between young black males, criminality and disorder (Gilroy 1987). Conversely, amongst those with bohemian or radical aspirations, the area came to mythically represent a centre or focus for social, cultural and political change with the Caribbean population in the vanguard of this social transformation. Southview’s ‘difference’, its status as an ‘outsider area’, arose from these two moments and for those living or working in the area represented and continues to represent both an opportunity and something of a poisoned chalice. It is a place where, in an increasingly normative environment, deviance can be expressed, albeit often as violence and criminality, its frisson utilised as a form of ‘place marketing’ (Goodwin 1993: 147) and its attractive Victorian and Edwardian housing subject to the forces of gentrification in amongst some of the most extremely deprived and neglected estates in London and the UK. Alongside these contradictions it continued to achieve notoriety, mainly arising from three decades of stigmatisation that has been concretised in the historical memory of government and the police, and, moreover, local residents. As an area, its history could be expressed as a classic cycle of labelling (Becker 1963) and it is one of the arguments of this book that events that occur in Southview can often be read in this way.

Southview had not always been viewed as an outsider area, and indeed its recent history can be read as a catalogue of the UK’s record on race relations etched onto the spatial landscape (Keith 1993). Up to the two world wars it had been a steadfastly lower middle-class suburb, featuring one of the first department stores to open in Britain. This changed in the 1950s and 1960s as West Indian migrants moved there because of the availability of work and its traditional inhabitants moved out in the generalised post-war ‘white flight’. The incoming West Indian population suffered discrimination in housing allocation, employment, small business opportunities and



entertainment. In the latter case young Afro-Caribbean people faced a colour bar in West End venues, which resulted in the growth of home grown entertainment as shall be seen (Patterson 1963, Directorate of Town Planning Report 1982, Leo 1985, Piper 1996). Moreover, there were increasing tensions between the police and the local black community. It was noted in one report in 1981 that it was common for the police to shout racist abuse from patrol cars and allegations of police brutality and beatings, false confessions and the ongoing harassment of black youth were noted (Working Party Report 1981) to the extent that many young people had a 'claustrophobic' (Keith 1993:30) upbringing where parents kept their children indoors for fear of the police (Working Party Report 1981). Tensions escalated in the 1970s with large-scale stop and search activities and raids on night venues. It was commonly accepted at this time, albeit not by the Metropolitan Police, that the combination of discrimination and police harassment precipitated the conflicts that occurred in 1981 and beyond.

As in many areas of London where there is heightened conflict between the population and the forces of order, a particular street or area is designated as a 'front line' and in Southview this was where much of the energies of reform was devoted. It had a symbolic meaning for both sides of the divide. During the discussion that followed the conflicts in 1981, a community leader stated that the front line merely meant an area of socialisation for the West Indian community (Southview Report Transcript 1981 HO266/3). The police, however, represented the concept as 'criminal' or 'deviant', categorically claiming on the one hand that it was a centre for fencing stolen goods and drug dealing and on the other, a centre of radical or revolutionary politics (Southview Report Transcript 1981, HO266/7,10). As Keith points out, however, people have imparted many different meanings to the concept of the front line; 'a social centre, the epicentre of Black resistance, a location for trading stolen goods, a home, a drugs market', but the theme that tends to unite all explanations was that it was a centre for 'conflict between Black people and the police' (1993:27/8). In Southview, the front line was located in a street, or several streets depending on the perspective involved, that had been earmarked for demolition and redevelopment. In 1975, however, after local protest, an inquiry, and 'ministerial prevarication', the site was reprieved, but not refurbished and generally left to decay and in 1977 only twenty-two out of 400 properties were considered in a good state of repair. A large numbers of premises were squatted and some turned over to the informal economy developed with a growing number of illegal parties and clubs (Southview Reports Transcript 1981, HO266/7:10).

The concept of the front line also, however, utilised the imagery of war, and certainly the local Metropolitan police in the late 1970s and early 1980s viewed it as a territorial problem. Prior to the conflict in 1981 the police had conducted several large raids against the area but expressed a persistent frustration that "no information comes from the black community to the police" (Report Transcript 1981, HO266/6: 17). Various discussions and fears emerged that Southview would become a no-go area, and much of these fears were concentrated on the problem of the lawlessness of the front line and the fear of its 'otherness'. As the Chief Superintendent argued:

I feel that if nothing at all is done we are going to end up like Harlem - although I have never been there - where it is reputed that you cannot walk through the streets at all. You cannot drive through the area without fear of being stopped and robbed (Report Transcript 1981, HO266/6:32).

The portrait of the front line as intrinsically deviant and lawless was somewhat complicated by allegations of local police corruption made during official discussions after the 1981 conflict by local residents and church leaders. They claimed that the drugs trade in the front line owed its survival to police who were thought to be either recycling drugs or demanding protection money from dealers. Furthermore, they argued that these relationships had been disturbed by the presence of the outside military style police force, the Special Patrol Group, held to be the agency responsible for precipitating the conflict in official analysis (Report Transcripts 1981 HO266/18:13). Although the police denied these allegations, in 1986 the local police station was raided by the Scotland Yard Drugs Squad because of mounting evidence of police involvement in the recycling of drugs (Keith 1993). Moreover, later allegations by residents claimed that there was a problematic relationship between police informants and the drugs trade. As was noted in chapter two, behind every official argument lay local rumours of official complicity and corruption, and while such allegations cannot be investigated, it nevertheless disturbs mainstream discourse regarding the persistence of open drug dealing in the area.

Southview had, therefore, a history of discrimination in employment, housing, the local institutions of governance, and, as concerns this book, entertainment. This pattern of discrimination was written into the spatial landscape of the area, which featured in a general level of deprivation and decay. The conflicts and even creative solutions to these problems generated by the population however also entailed that it became a centre for radical and cultural change. One aspect of this change was the development of unregulated spaces for entertainment, known as shebeens or 'blues parties', and their popularity throughout the 1970s and 1980s sealed Southview's subcultural reputation. The Council and the police, however, viewed the shebeens with suspicion. What follows attempts to situate the role and closure of the shebeens in the development of the night-time economy.

### **Unregulated Nightlife in Southview**

It is clear that the exuberance of youth requires in Southview (and other similar inner city areas) imaginative and socially acceptable opportunities for release if it is not to become frustrated or be diverted to criminal ends...The amusement arcades, the unlawful drinking clubs, and, I believe, the criminal classes, gain as a result. The street corners become the social centres of people, young and old, good and bad, with time on their hands and a continuing opportunity, which, doubtless, they use, to engage in endless discussion of their grievances (Southview Report 1981: 7).

Without close parental support, with no job to go to, and with few recreational facilities available, the young black person makes his life on the streets and in the seedy commercially run clubs of Southview. There he meets criminals, who appear to have no difficulty in obtaining the benefits of a materialist society (Southview Report, 1981: 11).

These statements represented the ‘official’ view of the unregulated night sector in Southview. While the authorities were keen to emphasise the need to provide facilities for young people the unregulated sector was viewed as a problematic influence. Such views were similar to the consternation caused by jazz clubs in Soho in the 1960s, which prompted the introduction of the Private Places of Entertainment (Licensing) Act 1967, where it was felt that such venues exposed young people to moral dangers through association with ‘undesirable persons’ (Public Records HO300/24). The unregulated clubs in Southview were seen as a cause of criminal association and conflict - a view also expressed by parents and community leaders during the investigation of the events of 1981, although such sentiments were common to mainstream opinion across the UK (Keith 1993). The official line, however, was somewhat fatuous given that, as one MP noted at the time, the police had closed down the only legal nightclub in the area. As he argued, if there were “no legal facilities for clubs which permit drinking, dancing and games like dominoes or pool, then the need will be met by illegal facilities” (Report Transcripts 1981, HO 266/32: 21). It was also clear that young people felt differently both about the shebeens and the cause of their criminalisation. As one regulator attendee of the shebeens, Dave Ellison, argued, the shebeens did bring young people into contact with the police, but only because of the regular raids and harassment that took place. To him, the shebeens were a legitimate expression of the need for entertainment and his exclusion from mainstream nightclubs:

Being a Jamaican resident myself, I know that if you approach a lawful premises, or a community event, anywhere where there might be using or selling of alcohol, the consumption of alcohol, there is scepticism or outright denial of the opportunity to use those premises. It’s a natural development, really, to set up by ourselves. In terms of music and recreation, it is an important part of our history and our culture, and I think we’ve taken it across the ocean with us, and it brought us in direct conflict, in particular, with the police. They were the ones... it was a conflict with the police to stop us enjoying ourselves. It was the first area of conflict between Jamaican youth and the police, for me anyway. That’s where I came across the police first, and in force, were at pay party events when the police would come and break it up, kick the door down, y’know, “who’s selling, who’s running this place” and so on and so forth...<sup>1</sup>

Ellison questioned the crude assessment of the assumed criminality of the organisers of these events, arguing that although they were not legitimate they were not necessarily serious criminals. Indeed, because many people were involved in unregulated parties this naturally involved different degrees of criminal association. As he argued:

...the people who committed unlawful things tended to be unlawful people, primarily often criminals. Not necessarily serious criminals, but people on the edge, or ex-criminals, or people who had attitude, or people who were strictly enterprising, so it was a combination of criminals and enterprising people on the other end of the spectrum. It would be unfair to paint them as one category of people.

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1 Dave Ellison, ex-Borough Council Planning Officer, 10 December 1999.

The quasi-criminality of the organisers of the shebeens needed to be seen in context. Throughout the 1980s in London, as elsewhere, abandoned buildings became home to many one-off club events in often dangerous locations and circumstances, because at that time issues of risk, violence and criminality prevalent in the night sector were not considered an issue by the participants or policy innovators, although in the context of rave they were targeted by the police (Collin 1997, Garratt 1998). Deviance and petty criminality were normalised, not least in the frequent “lock-ins” occurring in public houses with the presumed knowledge of the police. The resistance to surveillance and control over entertainment was not questioned by participants, and indeed such was the dislike of police attention in relation to the shebeens in Southview that during the 1981 conflict participants issued a demand that the police stop harassing these venues (Report Transcripts 1981, HO266/4, 6).

Other accounts also refer to the importance of these venues elsewhere and interviews with early settlers in Britain confirmed that they emerged from a local need. Clifford Fullerton, owner of first ‘The Blues Club’ in the basement of a house in North Kensington and then the ‘Mangrove’ in All Saints Road, said he had set up the club in the 1950s because his contemporaries needed somewhere to go out as a colour bar excluded them from clubs in the West End. Although he had a license to sell liquor until 11pm, in practice this was difficult to manage internally and liquor was sold and dancing continued beyond those allocated hours (undated interview, Black Cultural Archives). As spaces, therefore, they seemed to ‘symbolise neither simple cultural expression nor manifest criminal behaviour’ (Keith 1993:28). They were necessary from the point of view that entertainment spaces were denied to black communities. However, they were not frequented by all and produced some rather mixed feelings amongst different sections of the ‘community’, particularly in relation to noise. Some were commercial ventures - in the 1960s shebeen owners made, according to one report, the large sum of £30 per event, whereas by the 1980s the amount could run into thousands. In the early days, police reports showed (through payment by an undercover officer) the entry fee to be about 50p (GLC Records 1976-80), whereas by the 1980s it was reputed to be about £5.<sup>2</sup> The spaces were certainly more crowded as the demand for entertainment venues increased.<sup>3</sup>

Despite rumours to the effect that these places existed as part of the drugs trade, reports produced by the police after raids indicated little evidence of such activities. Even edited and repetitive police reports suggested that the activity within and without consisted of little more than groups of ‘coloured men’ hanging around outside the premises, while in the basements ‘a large number of coloured people and a few white women’ were seen to be dancing to ‘loud beat music’ (GLC Records 1976-80). Participants were seen to be ‘drinking from cans of Carlsberg Special Brew, bottles of Lucozade and white plastic cups’ (Statements by PCs recorded in September and October 1976 in GLC/DG/EL/3/R1). At that time, therefore, as with other clubs, the activities did not extend beyond dancing, drinking and hanging about (and, of course, gambling), hardly a risky and seriously criminal setting within that historical context. The only drug that was in evidence, Ellison noted, was weed, given the

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2 Dave Ellison, ex-Borough Council Planning Officer, 10 December 1999.

3 Dave Ellison, ex-Borough Council Planning Officer, 10 December 1999.

dominance of Rastafarianism locally.<sup>4</sup> Moreover, whilst he argued that violence did occur at these events, the relevance of this observation to nightlife at that time is questionable. Drunkenness, fights and general nuisance has, of course, only recently been discovered in the night-time economy (Hobbs et al. 2005, Stenson 2005) yet its actual history demonstrates that such behaviour was normal albeit more invisible to mainstream attention.

In general, there seem to be mixed feelings as to the social composition of the shebeens, specifically the degree to which they were exclusive to the West Indian, particularly Jamaican community. One white man, newly arrived to Southview in 1976, explained how he had been told about a party by a neighbour, thought he had been invited, and arrived clutching a bottle of wine. On arrival no-one spoke to him until a Rastafarian ambled up to him and said, “go home”. It became clear that he had been told about the event as a politeness, to warn him of the impending noise (Field research 1998-00). Such exclusivity was also confirmed by Ellison, and was reinforced by the fact that the events were advertised by word of mouth or on the emerging pirate radio stations.<sup>5</sup> On the other hand, photographs taken of a more established club in the central area by the police during a raid show a slightly more mixed crowd, in terms of race, age and gender (London Metropolitan Archives GLC/DG/EL/3/R1), and certainly attempts to mingle with the black population were, from the late 1970s, an important element of entry into a local bohemian lifestyle (Hebdige 1979, Gilroy 1987, Back 1996). From an account given by one white venue owner, this trend had accelerated from 1981 onwards and the incomers had a different attitude towards the social texture of Southview. Noticeably, however, a certain reticence is displayed in referring to this frankly:

...a lot of new people moved in, and obviously the ones that moved in had an awareness of the perceived problems of Southview and felt that they were um.. um.. y’know.. sufficiently.. um.....careful, careful (laughs) well, they didn’t feel they had a problem with it (laughs)...<sup>6</sup>

From the standpoint of the present, the idea that unregulated entertainment spaces could be held as having an important cultural role might conflict with normative assumptions relating to risk, crime and disorder. At the time, however, the shebeens were perceived to be an important cultural space by many local people and one that provided entertainment for first and second generation Afro-Caribbean people excluded by the colour bar. Indeed, innovations arising from these spaces also put Southview on the subcultural map, and attracted many young white people seeking an alternative lifestyle. The shebeens however occupied an uneasy space between the unlawful and the lawful: unlawful because they were not regulated through licensing law, ‘lawful’ because as in the case of many night spaces bending the rules was normalised. As the following section and chapter four will demonstrate, however, police pressure on these venues increased alongside attempts to bring business activity into the mainstream in Southview.

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4 Dave Ellison, ex-Borough Council Planning Officer, 10 December 1999.

5 Dave Ellison, ex-Borough Council Planning Officer, 10 December 1999.

6 Peter O’Brien, co-owner Thai Heaven and the Zebra 1 February 2000.

*Policing unregulated nightlife*

Historically the police have had an ambiguous relationship to unregulated or out of hours drinking. All small commercial premises tend to offer systems of gratuity to aid relations with the police, and it is either that such systems were in place to ensure the uninterrupted functioning of illicit drinking and dancing or the police simply weren't interested in taking them on except in particular instances. In Southview, various writers have suggested this ambiguity in the relationship between the police and the shebeens, arguing that they were for the most part tolerated with an occasional show of strength on the pretext of drugs or the illegal sale of alcohol (Keith 1993). Often however, it was at the prompting of local residents and their political representatives (Patterson 1963, Southview Society 1981 in the Southview Report Transcripts, HO266/29/OS141, Keith 1993). As one MP claimed, "the police appear to have taken a benign attitude towards illegal clubs but they are deeply resented by residents and are bound to be a cause of friction" (Southview Report Transcript 1981, HO266/32:21).

The points of conflict with residents concerned mostly noise, late hours and the volume of people in and outside the premises (Patterson 1963). It is furthermore suggested that residents were offended by what took place at these parties, in particular, the type of dancing and behaviour seen as lascivious (Hinds 1980). The parties were held up however as being an example of 'cultural difference', whereby young black people had cultural practices that were not compatible with local white culture, for example, a tendency to favour late-night parties, loud music, sexual dancing and behaviour and hanging about in the street (Gilroy 1987). For example, one magistrate, commenting on the arrest of a group of black men hanging around outside the house after neighbours complained of noise, argued that it was not about being black or white, rather, 'it is about what people do, and not what their colour is, that matters' (The Kentish Mercury 22/4/49). Many theorists have examined the conflation of black cultural forms with assumed criminality (Hall et al. 1978, Gilroy 1987, Back and Keith 1999, Keith 1993) and noise has been seen, for example, by Bailey (1996) and Fitzpatrick (2000) as a nuisance defined by subjective intent; meaning, that people have a tendency to focus on noise that comes from a disliked source. This would seem to suggest, therefore, that noise complaints in these instances were racialised. However, it was also the case that some residents, although desirous not to establish relationships with the police, developed a form of direct action against shebeens in residential areas. One account was given during the research of a group of residents who broke into a neighbouring house in the 1980s where there were frequent parties and destroyed the electrics (Field Journal 1998-9).

The picture is compounded by a long history of discrimination in the operation of small business and entertainment venues, as some accounts dating back to the 1950s suggest. In 1958, the owner of a café on one of the central roads that runs through the town centre was subjected to a year of frustrating delay as the London County Council's (LCC) Public Control Committee and the local council discussed whether he would need a music license to play a jukebox in his café. The owner's problems initially started when it was noted after a police visit on the 15 April 1958 that the café was charging admission fees for young people to dance on a Saturday night to

the juke box. In a memorandum by the LCC on the 5 May 1959, it was noted that the local council was not keen on granting planning permission to the premises but that the owner was keen to take out a license. However that license was refused on the basis of the unsuitability of the premises ‘particularly the exit arrangements and inflammable wall linings’ (Memo LCC, 19 May 1958). An exchange then ensued as to whether the owner should be invited to discuss the matter further. In a further Memorandum, it was stated that Council’s architect had said that he did not want to leave the door open for a further application ‘because he disliked the place’ but appreciated that the ‘usual procedures’ would be gone through. However, even the music would be problematic (the use of the jukebox) because it had caused complaints and may have prompted the police visit (LCC, 19 May 1958).

In the meantime, the owner had phoned the LCC complaining that he was being singled out for this treatment, given that all other cafés in the area had jukeboxes. He was told that ‘the Council could not investigate the arrangements at every café in London: it dealt with the cases that came to notice’ (LCC, 30 May 1958). The irony that the café had only come to their attention because of discrimination seemed to be lost on the Committee. A further note indicated that the architect had visited the premises and declared it unsuitable for licensing (LCC, 22 August 1958) as a club. A letter from the owner indicated that he had attempted to do something about the safety issues indicated, by fixing the walls (Letter, 11 September 1958). He was even willing to let the matter of dancing go but wanted to retain the use of the jukebox. However, there were still delays. On the 24 September 1958, a note regarding a telephone call from the architect stated that he was reluctant to encourage the owner to re-apply for a licence because of possible allegations of noise nuisance, and stated that a ‘special hearing might lead to allegations of racial discrimination etc’. A letter from the architect of the Council to the Chief Officer of the Public Control Committee of the LCC said that in respect of granting a music license the premises could be made safe, even if it was below usual standards. This, along with the noise issue, could be taken into account. However, he stated that:

As regards noise, the position is complicated by the fact that the Council, as Town Planning authority, has refused permission because its use was not in accordance with the Council’s Development Plan and that the proposals would affect adversely the amenities of the surrounding residential properties by reason of noise (Letter, 30 September 1958).

He expected strong opposition from local residents and that ‘the situation is made more difficult in view of the fact that the premises are frequented by coloured people’ (LCC, 30 September 1958). Although finally the LCC sent an application form for a music license with a view to granting it (6 February 1959), it was noted finally that on the 23 March 1959 the café had closed (GLC/DG/EL/3/C69). The Council, therefore, in attempting to mediate between the rights of the owner and the hostility of the local community, and with somewhat prejudicial reservations of its own, prevaricated long enough for the owner to move on. Although formally the Council and the LCC were within their rights as authorities, scant regard was paid to the needs and priorities both of the owner and his customers.

In a similar way, one famous local club in the same road managed to open after an appeal, the license being initially refused on the grounds of potential noise to residents (South London Advertiser, 11 January 1958). However, this was followed swiftly by a campaign by the LCC to close the venue down, although they claimed in turn that it was the Council who were seeking to close it under Town Planning regulations, and that planning permission for the club had been refused (LCC, 22 January 1959). This decision had been upheld on appeal and enforcement action to close the club was taken (GLC/DG/EL/3/C70). Even through the owner had successfully managed to gain a license on appeal he had not been then granted planning permission. The authorities, citing local hostility to these clubs, took concerted action against them. As an example of the attitude of the authorities one local MP wrote to the LCC and attached a list of sixteen 'coloured clubs' with a request that action be taken against them. As the letter stated:

I am reluctant to think that they have had planning approval and I shall therefore be obliged if your council will exercise whatever powers are legally available to ensure that residential accommodation is not diverted to these uses, or if it is so diverted, that minimum precautions as regards fire risk, sanitation, etc., are complied with. In my view, it would be in the public interest and certainly for the convenience of the neighbours if these clubs were closed (Letter, 17 June 1959, GLC/DG/EL/3/C70).

Faced with the financial problems that a legal battle might produce, and strong ideological opposition, it is unsurprising that black cultural entrepreneurs might turn to the production of unregulated entertainment, the risks of closure being fairly similar but with none of the possible overheads. This was undoubtedly aided by the number of empty buildings being turned over to squats and the radicalisation of the area by the 1970s. Any type of venue, legal or illegal, consistently attracted the suspicion of the authorities and police attention which, in turn, accelerated the 'edge' of the venue itself. Keith, for example, looking at the establishment of the Mangrove in All Saints Road, Notting Hill, suggested that the fact that it was a centre for political activity and discussion made it a target for police paranoia, and, according to Darcus Howe, therefore established this venue as a centre for resistance against the police (1993:47). As such, it was not the venue per se that set out to be confrontational. Rather, it was the symbolic associations created by the police and other authorities in relation to these venues that cemented their 'deviant' status. The Chief Constable Weigh of Avon and Somerset stated, for example, that the problems of illegality created by the shebeens in Bristol derived from their criminalisation:

The strict legal requirements applicable under the licensing laws frequently preclude the establishment of legal drinking clubs in black areas (Southview Report evidence HO266/29/PS56:3).

Such points of conflict included the use of high volume sound systems and late hours. The police faced the problem in Bristol, however, that the local community in general tolerated the shebeens and moreover were often frequented by community leaders. In attempting to deal with these venues, therefore, the police could neither infiltrate the parties nor collect evidence against them through the local community



(Southview Report evidence HO266/29/PS56: 4). His solution was a liberal one. Legislators, he argued, should recognise the ‘special needs of the West Indian community in respect of their own drinking “clubs” and perhaps bring them within the ambit of the law, thus providing appropriate police powers of entry, safety regulations, and permitted hours’ (HO266/29/PS56: 12).

These warnings were not heeded by the police and council in Southview<sup>7</sup> and although the shebeens did, and in a different way still do, remain a feature of the local landscape, they are marginalised spatially and socially, located outside of the centre and subject to strategies of containment by the police. Unlike other areas where some Commanders were attempting a more mediated approach to local culture and venues, it seems as if, in the context of the racial politicisation of the 1970s, and the subsequent attempt to regenerate the locale in the 1980s, the police along with the Council made a concerted effort to clear away the shebeens from the central area (Keith 1993). There were two strategies involved in these attempts at closure: firstly, police stepped up efforts at surveillance resulting in an increasing frequency of raids; secondly, the Council and the police used increasing statutory powers curbing noise nuisance against the venues.

The first recorded file of concerted police efforts to close down the illegal club scene in Southview occurred from around 1969-1970 and concerned a club in the front line area. From the 30 October 1970 the police set up a seven-day watch over the premises, referred to by the police as a ‘low class’ premises (Metropolitan Police, 15 July 1974) to detect signs of illegal music and dancing. However, recorded evidence and statements made by police officers at this time were not accepted by the GLC and the ‘evidence’ was returned (Memo GLC 18 January 1971). Further activity by the police was recorded on an unmarked and undated memo recording telephone conversations with the Chief Inspector of the Southview division. It was noted in this that ‘the Chief Inspector said that he wished the GLC to take proceedings because the owner had been a “pain in the neck” to them for several years, but they have been unable to get evidence’. It was also noted that the police had been telling them that the place was used for drinking and cannabis smoking, although no evidence for the latter had been found. A further note dated 13 February recorded that the Chief Superintendent had ‘the matter in hand and has been editing the statements’ of the police officers involved. The Times noted in 1974 that action had been taken against the owner for unlicensed sale of liquor and that he had appealed. This appeal was dismissed as the judges had argued that the burden of proof should be on the defendant to prove that he had a license, suggesting some confusion as to whether this was so (Times 22 May 1974). On 16 December 1974, a GLC memorandum noted that action was being taken against two further individuals with respect to the same premises (GLC/DG/EL/3/R15).

In all the raids on unlicensed premises, no witness statements were provided apart from those of the police, who operated in plain clothes (the plainclothes officer was a woman as very few white men attended and would therefore have been spotted) or in an observatory capacity. It appears that the police were alerted to parties by

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<sup>7</sup> Letter from Sergeant Brian Walters, Metropolitan Police Licensing Officer, 23 August 2000.

a combination of noise complaints and general police surveillance at night. Two statements by the police mention noise complaints (statements dated 11 March 1975 and 30 August 1977), whilst in others the police appeared to be observing activity and sound in well-known streets. One PC, for example, in a statement dated 21 January 1976, stated that ‘I was on duty in plain clothes...I could hear the sound of loud music from within M- Road premises and saw a large group of people on the steps leading to the front door, which was open’.

Raids were also taking place against private parties where people shared the cost by charging for drinks (a common practice amongst people with little money). At one party, organised by a sixty year old woman and a man for his ten-year-old daughter, a PC’s statement claimed that when the party was raided and the organisers questioned, the conversation ran as follows. The PC said, “It appears that this party is open to anyone who wishes to come along”, to which the man replied: “That’s right, it’s a birthday party”. This was taken as an obvious statement of guilt and the man was found guilty, and fined £50 plus £50 costs (GLC, 10 July 1979).

The Council also seized on noise nuisance laws as a way of tackling these premises. The focus on noise as a means of control was provided by residents who were organised into fairly powerful associations locally and which consistently complained to the police and the Council about the shebeens.<sup>8</sup> As the responsibility for entertainment licensing was transferred to Southview Council in 1986 from the Greater London Council, the Council perceived that it had a political duty to protect the interests of residents and deal with noise nuisance. As Rogers, the council officer charged with dealing with noise nuisance in Southview argued:

I would say that it’s probably the last ten to fifteen years when these [noise abatement measures] really, really picked up when we took on the issue of entertainment licensing.<sup>9</sup>

In the late 1980s, therefore, the Council became much more proactive around noise nuisance as a way of dealing with both legal and illegal premises.<sup>10</sup> This political impetus entailed that the noise abatement service extended from a weekend service for public sector tenants in its initial run, to the present day 24 hour service.<sup>11</sup> The Council were also increasingly able to access a broader range of legislation and penalties. Although noise as a civil nuisance had been established since the 1960s, the statutory requirement for councils to consider noise nuisance as part of their functional remit only occurred in 1974 with the Control of Pollution Act. However, the fines were low and did not provide an effective ‘deterrent’. In 1990, however, the Environmental Protection Act was passed which escalated fines up to a possible £20,000, although the general amount was between £2000 and £5000. Explaining the Council’s reasoning, Rogers argued that:

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8 Dave Ellison, ex-Borough Council Planning Officer, 10 December 1999.

9 Peter Rogers, Southview Council Noise Officer, 28 June 2000.

10 Dave Ellison, ex-Borough Council Planning Officer, 10 December 1999.

11 Peter Rogers, Southview Council Noise Officer, 28 June 2000.

Faced with a £5000 fine as opposed to a £100, you know, slapped wrist on the night. Quite frankly, between you and I, if I've got fifty people in my home and someone issued me with a £100 fine, that's fifty pence each, and its done, isn't it?<sup>12</sup>

The importance of noise legislation was that it enabled the Council to act against parties and venues that were not covered by any other form of regulation, because they were illegal. As another entertainment licensing officer noted:

With regard to the blues parties, or pay parties, whatever they were called, it was seen that technically they were not public entertainment because they're, you know, in a private household, a private dwelling....the legislation was pushed over to the noise and the Environmental Protection Act.<sup>13</sup>

Their effective criminalisation, in a classic example of the production of deviance (Becker 1963, Cohen 1973) meant that they had to develop a perspective of keeping one step ahead of the law. The gradual collapse of unregulated entertainment forms into disorder and criminal association was also, of course, witnessed in the later example of the rave scene (Garratt 1998). One impact of the increased attention on the shebeens was that the organisers had to become more mobile, using empty properties as opposed to homes so that the organisers could remain anonymous. Secondly, they became more commercially ambitious, and the funds generated by organisers were often used as a means to move into legitimate business. As Ellison argued:

Some of them got so good, they became international. They'd go to the states, and collaborate with others, in more lawful, legal situations. So they'd move from the dingy condemned property of the squat, to become legitimate, to become lawful. Y'see, it offered an easy amount of money for criminals, and then they'd move toward being lawful. That's what they'd aspired to being.<sup>14</sup>

Lastly, the various economic and policing pressures, both on the venues themselves but also more generally in Southview, led to a great violence in the locality and in the shebeens. As Ellison explained:

It began to develop...a less tolerant environment to illegal goings on. In particular, when you've got investment coming into Southview, also CCTV as well, to purge the area of the criminal activities that thrived before, and the shebeens wouldn't happen, so also, lets just say that these people were squeezed out and may have led to other areas of enterprise.<sup>15</sup>

He went on to explain that the shebeens became more violent and that there was 'a greater propensity to the use of guns' combined with a general hardening of perspective from the youth.<sup>16</sup> There was also, around the late 1980s, a general escalation of entertainment activity in terms of demand. As Ellison illustrates,

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12 Peter Rogers, Southview Council Noise Officer, 28 June 2000.

13 Colin Trace, Borough Council Entertainment Licensing Officer, 24 May 2000.

14 Dave Ellison, ex-Borough Council Planning Officer, 10 December 1999.

15 Dave Ellison, ex-Borough Council Planning Officer, 10 December 1999.

16 'Nuff niceness' was the phrase used to describe the change.

parties that had invited 100 people had 400 show up, given that Southview was the only night entertainment centre in this area of London at that time. Residents were becoming more respectable, paying high council tax, and were demanding quiet. A change of political party in control of the Council, from Labour to Liberal Democrat, also cemented a general hardening of attitude to illegality. As Ellison indicates, the political, social and economic landscape had made it impossible for the previous social relationships to continue:

That sort of thing could not carry on. It's almost entirely confined to history, as far as Southview is concerned.<sup>17</sup>

As all this should indicate, the shebeens were somewhat of a contradiction in terms of their contribution to the development of night culture in Southview. Their development arose from the exclusion of young black people from mainstream venues and, as indicated, the difficulty faced by black venues owners in procuring licenses. Moreover, the marginalisation of Southview from mainstream economic reproduction entailed that those spaces would be used for other purposes. This could be seen to have a benefit in keeping streets and spaces occupied with albeit unlawful economic activity. Ryder (2004) noted for example in Times Square that the occupation of buildings by adult entertainment facilities, considered immoral, actually protected the spaces from arson and demolition. However, the shebeens were unpopular with many residents because of the noise and nuisances they created, and it was complaints from residents that led the authorities to act. In parallel, however, such action against the shebeens in the central area took place in the context of developments, to be examined in the following chapter, to convert the area to legitimate uses, which in the early to mid 1990s gave rise to the 'night-time economy'.

## **Conclusion**

The reclaiming of inner city spaces from criminality and marginalisation from the late 1980s was not confined to Southview, in key urban conurbations such as Manchester, Leeds, and Glasgow, exemplars of the cultural regeneration approach (Miles 2005), inner city shopping areas were turned over to new cultural enterprises and mainstream chain stores. In most areas there was little argument that these changes sparked improvements, no matter how anodyne. In areas with strong subcultural roots, however, the process was more contested. In Manchester, the Hacienda alongside many black cultural venues faced pressure from a conservative police force and council, and their closure indicated a move to a more sanitised consumer-led town centre (Böse 2005).<sup>18</sup> In Southview, the shebeens occupied an ambiguous position, alongside the West Indian public houses, as being symbolic icons of a besieged and radicalised community, despite the problems they caused. The reclaiming of space

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17 Dave Ellison, ex-Borough Council Planning Officer, 10 December 1999.

18 Which ironically was a product of efforts by the Hacienda and Factory Records boss Tony Wilson, even if he did not materially benefit from regeneration in the long-term.

and the implementation of regeneration and cultural regeneration strategies was always fated to be controversial given that these and other enterprises were not all in a strong legal or financial position to benefit from change.

In many ways the fate of the shebeens in Southview explains the limits of the ability of cultural regeneration strategies to absorb the transgressive. To some degree of course, as Ellison explained, the shebeens did experience growing levels of violence and other difficulties and as a result became more marginalised, although this merely reflected growing tensions and contradictions of everyday life in Southview. In addition, however, the legacy of criminalisation combined with perceived disorderliness entailed that they were neither seen as a useful cultural contribution nor, despite their popularity, as a potential economic driver. Effectively, what was demonstrated here was that official concerns around crime and disorder, mediated through race, was an important factor in plans to control and develop the central spaces of Southview. It is unsurprising that the phantom of this experience should return in disputes over the nature of local regeneration.

The following two chapters will examine the conflicts over institutional change and funding strategies, the sectors of the night-time economy that benefited from the changes engendered by regeneration initiatives such as the Urban Programme and City Challenge, and how far claims of a differential funding strategy favouring a gentrified nightlife could be justified.

## Chapter Four

# Urban Regeneration, Conflict and Change

Southview, despite its iconic or stigmatised status, was not isolated from broader economic, social and political trends. Neo-liberal competitive and targeted regeneration, property-led inner city revival, the growth in owner-occupied housing and private speculation, the attempt to entice the middle-classes back into the inner city by providing cultural amenity and luxury housing (White 2004), would necessarily influence the marginalised landscape of Southview as an inner city London locality. In addition, there was a more pressing reason for government to re-colonise the locality. As chapter three noted, Southview had been largely stigmatised as a result of the national press coverage and governmental discussion that had followed the street fighting of 1981 (Solomos 1986: 12). Southview had absorbed and reposed this stigmatisation, with sections of the population celebrating its ‘difference’ as an area where something more than work, home and consumption could be found. For political reasons as well as those broader economic and cultural pressures noted, it was expedient to try and tackle what was perceived to be the decline and inherent criminality of the area.

The local strategy that emerged from this was twofold. On the one hand those influences that were seen as criminal or deviant found themselves under pressure from the police and the Council, for example, the shebeens. On the other, however, attempts were also made to domesticate and incorporate community groups and business through partnership and funding strategies. This emphasis emerged from the official report that followed the disturbances, which stressed the need to counter discrimination in employment, education and housing alongside an edict that the police should be less heavy-handed (Southview Report 1981: 101-3). The report specifically proposed support for private sector investment in the area, more public consultation on regeneration projects, an increase in funding to counter racial disadvantage and police involvement in ‘community redevelopment and planning’ (1981:102) in order to assess the law and order impact of ‘environmental and social planning’ (1981:102). Community regeneration was not only seen as a means of alleviating social inequality, but also as crime prevention – dealing with and eliminating those spaces in which crime could flourish. While as already examined in chapter three, the police increased activity in the front line and against the shebeens (Keith 1993), the new strategy also involved significant cooperation between the police and the Council to reclaim and regenerate buildings on the front line, in order to defuse its ‘symbolic power’ (Keith 1993:132). In a letter by the local Metropolitan

Police Licensing Officer, Brian Walters,<sup>1</sup> this strategy was referred to as being key to the transformation of the area:

After the disturbances of 1981, there was a significant increase in police activity and a lot of money and effort put into the regeneration of the area and slowly the parties disappeared. Some of the venues have now been knocked down and rebuilt on, others have been refurbished and sold to the new professional breed that moved into the area (Letter, 23 July 2000).

Change was slow in coming. Indeed, throughout the 1980s it was not young professionals or gentrifiers that were moving into the area. Rather, the 1980s continued the trend of incomers who were actively seeking a 'bohemian' lifestyle and who were attracted to its 'lawlessness' (Butler and Robson 2001), alongside many revolutionary groups who plied their trade along the main pavement on Saturdays for a decade. In addition, despite the amount of money being given to voluntary organisations in the area and the general growth in political and social projects, it could hardly be said to be altering the social composition of the area in favour of the perceived goal of 'social order'. The projects had a strong attachment to the locality and were committed to aiding people, often acting against or bypassing official procedure or otherwise bending the rules. Rumours relating to gentrification only really emerged in the late 1980s in politically motivated circles, the same time Urban Programme funding was being implemented. That rumours should emerge at that time could not be accidental. Southview's Urban Programme was distinctive because it was the forerunner of concerted attempts to normalise Southview.

According to Dave Ellison, who had served in the borough for a decade from 1985 as a Planning Officer and who had begun working in Southview in 1987, the distinctive way in which the Urban Programme was applied was a product of a newly organised Planning Department of the Council that was staffed largely by ethnic minority personnel. Their aim was to find ways to aid the local black population and it was this department who were involved in the later City Challenge bid. The application of the Urban Programme in Southview was different, according to Ellison, because it attempted to work with the community in a unique way. Prior to this point the Council's regeneration initiatives had worked with the known quantity of Southview, the people who were 'above board, the nice decent people' and the 'lawful, community groups'.<sup>2</sup> However, the planning team felt that these were not the people who really shaped relations in Southview:

The problem with that is that it was not inclusive enough, and the real movers and shakers in Southview were not the local community, the school or the businessperson and his dog.

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1 Although this officer was not serving in the area at the time, I asked him whether he could put me in touch with a police officer who had been in the area during the 1980s. There was one serving officer that he knew, but said that he was not around very often due to 'illness' (indeed, I was told that his nickname was 'sicknote'). Instead, the licensing officer talked to this officer and wrote the results down in a letter to me. The letter makes fascinating reading regarding the retrospective perspective of a local officer on the nightlife and transformation of Southview.

2 Dave Ellison, ex-Borough Council Planning Officer, 10 December 1999.

The important players in the local community were these peoples sons, these peoples brothers, or the other people in the subterranean society, and what I found is that I really angered and upset a lot of these people, because I wasn't talking to them.<sup>3</sup>

As a consequence, his main aim became to talk to such 'hard to reach' groups and encourage them to make their business legitimate, with the help of the Council. This was achieved by passing messages around from person to person, using personal and community contacts, and sitting down with them informally to discuss the possibilities of change:

They were informal situations to get things done, y'know...bureaucratic, rigid, hard nosed, was not the way to get things done in these communities.<sup>4</sup>

When asked what he said to convince people, he stated that:

I'd say this was good, it's in their interests. I wouldn't use the big stick approach. I'd speak softly. I wouldn't tell them straight that this was inevitable, but I'd say that its something they need to be a part of because its happening anyway, and um, there were some who resented this, I'd have to say. Not everyone was on my side, I wouldn't pretend that for the moment, but I'd say that, for those who were reluctant, uh, eventually they fell into line, when they saw things happening, so it was like a snowball effect, and that's where we are right now.<sup>5</sup>

According to Ellison, then, there was a pragmatic acceptance that the process of negotiation could not follow set council procedure, but had to in some way relate to the form social relations had manifested in the area; to follow a different style of managed change that related to local ways of operating. Also evident however was the determination of the Council to pursue social change. While attempting to engage with and serve the interests of local people it also insisted on the need to normalise the locality. To the Council, the regeneration of Southview meant closing the multiplicity of squats, shebeens and other remnants of the informal economy. This strategy should also be viewed in terms of broader social and cultural changes, as noted in chapter three – new economic forces were emergent and culturally the 1990s was to be the decade of the young urban professional attracted to the inner city and what it had to offer by way of cheap housing, entertainment and speculation. Although the stigmatisation of Southview suggested the stalling of gentrification, it was in fact its subcultural image that would provide the basis for regeneration.

The Urban Programme effectively ended in 1992, but the process of managed change continued with the City Challenge programme, which began in 1992-3 and ended in 1998. Members of the Planning Department who claimed they had instigated change through the Urban Programme and City Challenge were made redundant in 1997, with accusations circulating about corruption.<sup>6</sup> Corruption

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3 Dave Ellison, ex-Borough Council Planning Officer, 10 December 1999

4 Dave Ellison, ex-Borough Council Planning Officer, 10 December 1999.

5 Dave Ellison, ex-Borough Council Planning Officer, 10 December 1999.

6 George Waldings, former member of the Planning Committee and attendee of the Licensing Committee, 1 December 1999, Dave Ellison, ex-Borough Council Planning Officer, 10 December 1999.



scandals, it should be noted, were not confined to the Planning Department. A report by the *Sunday Times* (30 May 1993) following the leaking of reports by an internal audit indicated large scale overcharging and unnecessary work being carried out on council properties by contractors and the Council's own employees, along with alleged housing benefit fraud rackets. Following an Inquiry, anti-corruption measures relating to transparency and accountability were implemented across the Council. The decision to set up City Challenge as a Limited Company with institutional autonomy from the Council, and the perspectives of the Executive of the Company, needed to be seen within this context.

Southview Challenge Company Limited (SCCL) was important in the sense that it came to symbolically represent the 'critical mass' of change. The programme was held responsible for the 'gentrification' of Southview and was seen in a conspiratorial way to have aided the purging of the traditional Afro-Caribbean presence from the Centre. The rumour mill was aided, as shall be seen, by conflicts on the Board itself that erupted into the media, prompting, as was examined in chapter two, self-confessed paranoia amongst key members of the Board.

However, despite the local population and local media's<sup>7</sup> preoccupation with SCCL, the research findings present a more differential picture of the role of SCCL in instigating social, economic and cultural change. Particularly in relation to the development of the 'night-time economy', it is questionable how far SCCL were central to those changes because the night-time economy was only marginally funded by the programme and in any case attitudes towards some venues by the police and the Council were changing in response to national debates. It was not the only network promoting cultural strategies and deregulation, as will be seen in the following chapter. However, there were two ways in which SCCL was key to the process of change in the locality including the night-time economy. First, in that it had instigated or at least promoted institutional change. Second, in the type of projects that were funded and in the funding specifications permitted.

## **Institutional Change**

City Challenge maintained the focus developed by the Conservative Government on private sector, property led development, and the altering of local institutional arrangements away from a public sector ethos (Imrie and Thomas 1999: 229), differing only in that it attempted to promote social and environmental, as well as property development, concerns (Department of the Environment, Transport and the Regions 1999: 11). It sought also to encourage partnerships between the community, voluntary, private and public sector. City Challenge funding was designed to force councils away from a public funding 'dependency culture' (Oatley and May 1999) by creating a competitive bidding process whereby councils would have to prove their competence or at least willingness to change (Cochrane 1999). Hence, for central government, an important focus of City Challenge was local government

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<sup>7</sup> A file existed at the time of research in the local library, which was a record of 'exposes' in the local newspaper.

change, particularly for those areas with councils of dubious 'leftist' reputations, of which Southview was one.

In Southview, the focus on institutional change as a means to enact social change provoked conflict. According to the final report of SCCL, although the initial bid had been developed by the Planning Department, with the support of the then Chief Executive, it had only received 'lukewarm' support from other departments (SCCL Final Report, 1999: 17). Delays within the Council affected the amount of time allowed to develop the bid; in this case, it was given only six weeks (SCCL Final Report 1999: 17). 'Procedural problems' created delays in processing expenditure and there was a failure to second staff in the first two years of the programme (SCCL Final Report 1999: 25). This was exacerbated by the fact that, in order to guarantee a successful bid, a separate organisation had been set up to implement the programme. This was the first time the Council had been forced to consider its own institutional arrangements for carrying through economic development policy. As indicated earlier, the Borough was one of twenty-one areas that chose to implement a City Challenge programme through the creation of a Company Limited by Guarantee (DETR 1998: 3). Two 'middle-ranking staff' were seconded from the bid team and appointed as the Chief Executive and the Deputy Chief Executive/Monitoring and Systems Officer (SCCL Final Report 1999: 18). However, far from simply being passive players in the implementation process, board members, particularly the Executive and the Chair,<sup>8</sup> saw their role as involving local institutional transformation. In particular, it was seen by the Executive, board members from big business organisations and the tenants associations interviewed, that the Council was inefficient, unaccountable and needed to be challenged:

I think another major problem which couldn't which couldn't really be acknowledged fully, was the state of the delivery of service from the Council, and other utilities to be honest, but the Council by and large, which was very poor.<sup>9</sup>

The one thing I did think was a good idea was to have a separate company. I don't believe that, you know, necessarily having a Council to get a grant to do something from Central Government is the best way of doing things. I think genuinely you do need do encourage partnership.<sup>10</sup>

The effect of Southview Challenge probably was on the Council to drag the Council kicking and screaming into the real world because everything had to be sharper, accountable, more open, more up front.<sup>11</sup>

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8 The key players who were also seen as part of the Executive were the Chair, representing big business, and another big business representative. However, the tenants representative interviewed also expressed cynicism council inefficiency.

9 David Worth, Deputy Chief Executive SCCL, 22 June 1999.

10 Jonathan Fleming, representative of large retailers & SCCL ordinary board member, 4 August 1999.

11 Sarah Turner, Tenants Forum SCCL, 28 July 1999.

Although at several points in the programme the Government Offices for London (GOL) suggested that SCCL and the Council improve their level of co-operation, there was in practice a reluctant partnership. This was seen by board members interviewed to be the result of the initial reluctance of the Council to apply for the funding; a change of the Chief Executive of the Council signalled a further shift away from support for SCCL. They also claimed that the Council were inefficient, caused many delays because of the weakness of their officers, and suspected the Council of implementing cuts for which the City Challenge funding was used as compensation.<sup>12</sup> One board member, Sarah Turner,<sup>13</sup> claimed that the Council was just unwilling to let a Conservative policy be a success.

The procedural problems precipitated by these institutional conflicts meant that SCCL under-spent in the first two years of the programme and was threatened with closure by the Department of the Environment (SCCL Final Report 1999: 25). Although the closure was prevented by closer agreement on both sides, it did not prevent the stalling of the major 'flagship' project of the SCCL programme - a town centre retail redevelopment project. Private property companies involved in this partnership either fell away or became reluctant to invest in an area with the potential for riots or unrest. Indeed, after further disturbances in 1995, a risk assessment conducted in 1997 by a major partner concluded that the project should be municipal so that local government would be responsible for completion and any costs involved in failure (SCCL Final Report 1999: 70). As a result of the failure of this partnership, the Department of the Environment withdrew approximately £4m of funding and reallocated it elsewhere, and a much-diminished programme was implemented under the auspices of the Council (SCCL Final Report 1999: 31).

Although the Council had approved the project and its Planning Officers involved in the bid, Challenge failed at the level of partnership between the Council and the Company. While SCCL had proved keen to alter forms of governance in the area to improve the delivery of services, the implementation of the project had been beset by problems, many caused, according to members of the Board, by the Council. In retrospect, officers from the Council viewed SCCL as a failure and indeed were reluctant to discuss its history.<sup>14</sup> The flagship project, in its diminished form, was completed in 2000, and was home to Southview's first Sainsbury's. However, many of the board members interviewed were to some degree preoccupied by the problems faced by SCCL as a consequence of this institutional conflict between the Board and the Council.

There was also much conflict within SCCL. Ordinary board members felt that the Executive had not disclosed certain funding strategies. For example, Richard Keith<sup>15</sup> mentioned that none of them knew about the Challenge funding awarded

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12 David Worth (Deputy Chief Executive SCCL, 22/6/99) claimed that the council made £30m pounds of cuts in the first two years of the programme. Henrietta James (Chief Executive SCCL, 10/9/99) however, claimed it was £40m.

13 Tenants Forum SCCL, 28 July 1999.

14 Richard Price, Regeneration Manager 10 August 1998, Carol Underhill, Southview Town Centre Manager 4 February 2000.

15 Small (Black) Business Forum SCCL, 20 October 1999.

to the Star Bar until they were invited to the opening night. Board members also complained about a lack of inclusiveness in its organisation, noting, for example, an inability to provide discussion documents in time to properly examine them before meetings. Disagreements also occurred between board members themselves. The Small (Black) Business Forum felt that their interests, along with that of the 'community' groups, had been neglected in the programme. However, they were accused by others (for example, Jenny Brown, a researcher, and Sarah Tuner, of the Tenants Forum) of playing a 'race' card, and that they had in fact done well out of Challenge<sup>16</sup>. Community groups and the tenants were not given any funding until after a night of 'rioting' in 1995, and felt excluded from the proceedings, but here also there was a conflict of interpretation. One side claimed that the Tenants Forum, representing the residents associations, were 'racist',<sup>17</sup> whilst the other claimed that the Small (Black) Business Forum were simply middle-class and failed to understand the needs of people, both black and white, on the estates.<sup>18</sup>

According to Brown, many of the disputes on the Board were expressed personally or procedurally, confirmed by a glance at one set of minutes. Many of the interviewees caught up in such disputes expressed dismay at having to talk about it, and many of the accusations had become personal. Board member argued, however, that the conflicts took this form because it seemed to the board members that bureaucratic means were being used to stifle debate about funding.<sup>19</sup> In contrast, the point of view of the Executive was there *could* be no debate as the funding objectives had already been agreed and castigated critics on the Board for having no sense of collective responsibility.<sup>20</sup>

The protracted and seemingly futile nature of the proceedings, according to one board member, reflected a level of political immaturity in the sense that they had to learn how to work in partnership.<sup>21</sup> However, as already indicated, some of the procedural issues did reflect wider conflicts in the Board regarding the direction of funding. The relevance of these disputes are the subject of what follows.

### Funding Strategies and Southview's Strategic Identity

The final report of national City Challenge programmes by the then Department of the Environment, Transport and the Regions (DETR) argued that Challenge was aimed towards areas of high unemployment and low skills base, ethnic minority disadvantage, uncompetitive industries, benefit dependency, deteriorating physical

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16 Jenny Brown, SCCL Researcher, 7 October 1999.

17 Sarah Turner (Tenants Forum SCCL 29/7/99) recalled that she was accused by one prominent black community figure of being a racist in relation to her role and expressed views on SCCL.

18 Sarah Turner, Tenants Forum SCCL, 28 July 1999.

19 Martina Drake, Small (Black) Business Forum, 30 September 1999 and Richard Keith, Small (Black) Business Forum 20 October 1999.

20 David Worth, Deputy Chief Executive SCCL, 22 June 1999, Henrietta James, Chief Executive SCCL, 10 September 1999.

21 Jonathan Fleming, Representative of Large Retailers, 4 August 1999.

environments, high crime and drug abuse; in other words, a wide and holistic agenda that considered the physical and social prerequisites of regeneration (DETR 1998: 4-5). The purpose of City Challenge was to attract 'outside' investment in a defined area and create environmental quality and an enterprise culture that would attract people to live and work there. It would include plans that would benefit residents and add unity to existing initiatives; create effective mechanisms to deliver the plans; develop and sustain partnerships between the local authority, public, private, voluntary bodies and local communities; and overall create a 'self-sustaining regeneration' and 'self help' that would continue after the ending of the funding regime (DETR 1998: 2). As such, City Challenge was orientated towards a strong focus on 'gentrification', emphasising the importance of outside capital and internally to create the environmental and social preconditions for inward investment; namely, good environmental design, a safe physical and social context, and a local skills base.

As already noted, within Southview City Challenge Limited (SCCL), there emerged points of argument as to how far the organisation had flexibility in altering the original action plan and the extent to which voluntary and community organisations would benefit from the programme. The Southview bid had a strong property/economic development-led orientation, which was reflected in the funding allocations. Of a total of £37.5m allocated, 60% was directed towards 'local economic objectives', of which £11.2 million was for retail and commerce (including £7 million for the major flagship project), £6 million was allocated to small business, £2 million for Entertainment, Leisure and Media (ELM) and £3 million for jobs/training access. Housing was allocated £8 million, and the other 20% was directed towards community safety, community health and care, and environmental improvement. It should be noted here that the original Action Plan envisaged £187 million of investment over 5 years, which included £62 million of public support and £84 million of private funding. In the final analysis, however, only £160.27 million was invested - the loss accounted for by the £4 million of City Challenge funding which was withdrawn and 15% of private sector capital which failed to materialise (SCCL Final Report 1999: 23).

As such, therefore, not only did the actual funding regime represent a strong orientation away from community projects,<sup>22</sup> but the SCCL funding strategy had a private (inclusive of all types of funding over and above the £37.5 million allocated) to public match funding ratio of over 3:1 which was high in relation to other projects (Bid Reports 1993-7). It was fairly clear therefore that this was a definite orientation towards a new way of promoting local regeneration that did not rely on bolstering local community organisations and what was viewed as a fragile local business community that could not hope to meet the bid requirements. Rather, the Executive spent a great deal of time persuading outside capital to invest and alongside this marketing Southviews potential for investment. Henrietta James, the Chief Executive of SCCL, for example, repeated several times that Southview had a negative image and that the role of SCCL was to change these perceptions that prevented businesses

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22 Unlike another London Challenge programme in Deptford that was not property-led (SCCL Final Report 2000: 19)

investing and which alienated visitors. One of the more ‘invisible’ outputs of SCCL, therefore, was that Southview was viewed more positively by those groups; for example, that it would be a “good place to do business”.<sup>23</sup> Ironically, however, as Drake<sup>24</sup> pointed out, Southview had for a long time, prior to SCCL’s activities, sustained London-based tourism as well as thriving small businesses, so the question was what kinds of business and people were put off by the ‘negative image’?

The conflicts around the direction of funding represented broader conflicts about race and the future social composition of Southview. Both Martina Drake and Richard Keith, from the Small (Black) Business Forum, felt that funding had not gone to the local ‘community’, ‘locals’ or ‘small business’, “people who live and work here”. Moreover, that “black activities have been driven out of Southview,”<sup>25</sup> a theme that clouded the entire Challenge experiment as far as many respondents in Southview were concerned. Drake argued that she felt that many of the conflicts on the Board illustrated a racial divide – a complete difference of understanding about the nature of Southview and how matters were organised there. For example, both Drake and Keith argued that too much money had been spent on public relations, whereas if SCCL had managed to implement positive change, people would know about it and support it. This suggested that SCCL’s emphasis on courting mainstream media had little relationship to the way in which social networks operated within the black population in the area and in London as a whole.

Other Board members however argued that Challenge funding was simply not flexible enough to adapt to local conditions. It was suggested that ethnic minority projects did not benefit from Challenge because they were not ‘organised’ and therefore could not meet the criteria for funding. Unlike previous projects, SCCL was not prepared to bend the rules to direct funding towards the community. Ironically, this perspective was put most strongly by Turner of the Tenants Forum:

SCCL were there to bring in, really, to lever in private money and people never understood that. They thought we were the Council and they thought we were just an organisation who would give out grants and we couldn’t do that. We had to see match funding either from the group itself or from some sort of partner. We had to see audited accounts, you know, we had to see people with track records. If they had criminal records for fraud then we wouldn’t give them the money, but they weren’t used to that because they been used to twenty years with a Labour council who were just doshing out the money whenever they fancied to their mates. And we were that harsh smack of reality and that’s why we were hated.<sup>26</sup>

The unspoken agreement since 1981 was that funding regimes were established in Southview to ensure social stability and to bring community groups within the orbit of mainstream governance. SCCL did not observe this arrangement. Businesses, many on the Board argued, had to be ‘legitimate’ and also had to find match funding in order to be successful. SCCL also had the problem of bringing projects together

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23 Chief Executive SCCL, 20 October 1999.

24 SCCL Small (Black) Business Forum 30 September 1999.

25 Martina Drake, Small (Black) Business Forum, 30 September 1999.

26 Sarah Turner, Tenants Forum SCCL, 28 July 1999.

quickly in the initial bid, and so projects that took longer to evolve were essentially left out of the process. David Worth,<sup>27</sup> for example, echoed this ‘disorganised black business’ thesis in explaining their absence from the initial formulation of the bid:

...combination of reasons I think. Partly access to capital for those businesses in the first place, partly they weren’t as well organised perhaps as some of the other ones coming in. You know, partly because of the effect of the, I suppose what you would call, kind of the project freeze at the beginning. The projects that came in at the beginning obviously had been projects that were around for a while, very few of those were directly supportive of those kind of black businesses which was recognised about half way through the programme and began to change, but by that time the momentum had gone on anyway, so there may have been some effect of that.

As Worth’s comments illustrate, however, funds were released during the programme as bid projects failed to materialise and conflict occurred in the locality. Keith, for example, alleged that this was a direct consequence of, what he referred to as, an ‘uprising’ that occurred in 1995, some of which was directed against beneficiaries of SCCL funding such as the StarBar. According to Keith, after the uprising had subsided an emergency meeting was called and two or three days later the Board released funding into community projects. He added that “you wouldn’t believe the kinds of things that went on”.<sup>28</sup> Some community projects and small businesses therefore were given small grants of between £1000 and £10,000, a fact noted by all board members interviewed. The conflicts continued. The critics on the Board, such as Drake, questioned the extent to which City Challenge rules really did predicate against support for the local community and business organisations, particularly as they gained the impression that the Executive were suspicious and cynical of local people who sought funding from public bodies:

I think if they had some sort of policy about making sure that local businesses were able to benefit from some of the contracts going, we’re always told they’re not able to do that because of CCT and we’re saying, can you go and find out. Just the other day some woman came with something that said its not true, there isn’t anything under CCT that stops them giving contracts specifically to local companies, but that was the idea of Southview Challenge because you know I think the mindset was very different from the beginning. They didn’t want to work with local people, local businesses to try and deliver some of the output that they had and I’m not sure, James Hatton [Chair of SCCL] would often say its because Henrietta felt that when local people came in to see her they always wanted something, and something for themselves or something.<sup>29</sup>

Indeed, Drake went on to explain how she thought that the Executive felt that local people were corrupt for wanting more funding:

The stuff that went on there was just horrendous that I don’t even want to talk about, you know, for them to say that local people were more or less corrupt because that was the idea

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27 Deputy Chief Executive SCCL 22 June 1999.

28 Richard Keith, Small (Black) Business Forum 20 October 1999.

29 Martina Drake, SCCL Small (Black) Business Forum, 30 September 1999.

that was going around, they're looking for things for themselves and they shouldn't have been, but who else are they supposed to be looking for things for, you know.

A Runnymede Trust report (1996) supported these claims that SCCL excluded local people and business from benefiting from regeneration. However, SCCL were also bound by government rules. Worth, for example, explained how, at the end of SCCL in 1998, they had attempted to set up a trust fund for the Small (Black) Business Forum, as they had for other represented forums. This however had been "ruled out of order by the Government Offices for London" who "threw regulations at us in terms of forward funding". These regulations were not, however, applied to the other trusts.<sup>30</sup> Nevertheless, the Executive of SCCL was open about the idea that they wanted to promote changes to local governance in Southview and to radically alter traditional institutional and funding practices. They may have been bound by administrative and organisational rules, but they also supported the changes promoted through them. SCCL aimed at attracting investment by robust mainstream business and this angered local groups who felt entitled to receive aid to combat the continuing social problems and discrimination in the area. The informal modes of management this had traditionally produced, however, were seen to be unacceptable by some Board members and particularly the Executive. Worth, for example, expressed this frustration with local community relations:

...the main criticisms were, I think, were as a result of high expectation in the beginning from people with small businesses and some of the community groups who thought that this might be something that was essentially going to line their. they would have received large number of grants, extra money directly themselves and when it didn't pan out like that, when it actually went to projects like the Roxy or the local concert venue, and only smaller amounts were going into the community sector and into small, particularly the small business sector, you know, there were a lot of people decidedly upset.<sup>31</sup>

SCCL had a clear orientation towards not only regeneration per se but in altering the conditions of local economic and social organisation. However, from another point of view, the previous way of conducting relations could be seen as a positive action in the light of the severity of racial discrimination – simply what was owed. Whilst perhaps not ideal and possibly open to abuse, the entrenched nature of discrimination at all levels of society suggests that ethnic minority groups in Southview would gain little from the strict funding rules of SCCL, given the absence of capital, legal or administrative support, and SCCL's predisposition towards changing local practices (Medas 1994).

The economic fact that the local Afro-Caribbean community would not make massive gains from Challenge did not prevent SCCL from utilising local black cultural forms in its boosterist strategy. The Board, particularly the Executive, emphasised that they were looking to retain the core 'culture' of Southview. A key element of the 'vision' for the locality, expressed in the original Action Plan (1992), was the 're-imagining' of the area. Part of this vision was about re-textualising

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30 David Worth, Deputy Chief Executive SCCL, 22 June 1999.

31 David Worth, Deputy Chief Executive SCCL, 22 June 1999.



Southview's reputation as a crime and riot-torn centre, but not at the expense of the 'vibrancy' of local culture. The bid planners wanted to retain Southview's history as an Afro-Caribbean centre and emphasised that it was one area where 'multiculturalism' worked:

Southview Challenge will make Southview THE centre of multicultural entertainment and shopping in South London, expressing the energy, enterprise, achievements and proud spirit of its people. A great place to live, work, visit, shop and have fun (Sec 1:1, Action Plan 1992).

Rather than attempt to rebuild the town centre, SCCL attempted to utilise local culture. Consequently, one of the local markets that specialised in Caribbean goods was renovated by painting and generally cleaning up its interior, and a series of colourful wall-hangings designed to express the 'spirit' of the locality were created. A local black archive received funding to build up its collection in premises in the town centre. A mural was commissioned in a central location that featured multi-cultural portraits. SCCL set up a local yearly carnival supposedly in the spirit of Notting Hill (but always sparsely attended). Members of the Board referred often to the need to retain this multi-cultural vision, and to the "vibrancy" and "colour" of the locality:

...there was a fairly well worked out vision in a kind of corporate sense which seemed to cover most things, it was, a you know a multi-ethnic, multi-cultural dynamic twenty four hour economy area where good housing and you know, mother, y'know, apple pie and all that stuff. I mean it was very, nobody could argue with it, as most visions are from that perspective, and it was sustained right the way through the programme.<sup>32</sup>

...some of the concepts that we had I think absolutely spot on and anybody coming in now would have exactly the same view of how the regenerate Southview, the whole idea of twenty four hour culture, improving on the entertainment side, building on the older historic parts like Electric Avenue and the markets, you know, basically, making a virtue of the kind of colourful local scene really. Absolutely perfect.<sup>33</sup>

The Chair of SCCL and former director of Shell International, in attempting to summarise what the Board were trying to achieve in relation to local culture, pointed to a poster of a West Indian marketplace in the sun and referred to the "light and the colour" of the place.<sup>34</sup> He said that he knew very little about Southview before coming to work with SCCL, but, having done so, proceeded to attempt to re-establish the Small (Black) Business Forum in a local office space after SCCL had wound up. The responses of these individuals, who all came from a white, professional background, seemed genuine in the sense that they thought the culture of Southview was something to be preserved or, in the case of its marketing strategy, repackaged.

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32 David Worth, Deputy Chief Executive SCCL, 22 June 1999.

33 Jonathan Fleming, representative of large retailers & SCCL ordinary board member 4 August 1999.

34 James Hatten, Chair of SCCL, 12 October 1999.

However, a thread running through SCCL plans was also that the existing black and ethnic minority population could not provide the basis for regeneration in the way it needed to be carried (that is, through consumption of redeveloped goods and services). Worth, for example, explained that the existing market conditions were not supportive of ethnic minority businesses because the incoming “new young predominantly white population” supported the new entertainment venues but not the local black businesses.<sup>35</sup> The externally orientated emphasis of SCCL not only related to investment but also tourism, and they sought various means by which visitors from outside Southview could be brought to the centre. In a section of the Action Plan entitled ‘Southview Revisited’ for example, which was an imaginary look at Southview post-SCCL, the importance of ‘visitors’ was mentioned four times, referring to the need to make Southview more ‘welcoming’, more ‘alive’ and ‘smarter’ (1:iii, 1992). As such, it was thought that the existing balance of services should be altered. James explained that the strategy would be to convince outside business to invest in Southview, by inviting them down and pointing out to them the opportunities; in other words, that it was a ‘commercially good place to be’<sup>36</sup> particularly given the profitable opportunities involved in encouraging middle-class tourism. Turner, of the Tenants forum, prosaically summarised this strategy:

These big regeneration projects, as we always said on Southview Challenge, we can either get them all on the streets, get the middle classes on our streets and mug ‘em, right, ‘cause that’s what we were doing in 1990, say, or you create restaurants and you get them in restaurants and you mug ‘em by charging ‘em £1.50 for a cup of coffee. Now what is best way for our community to operate and obviously the best way to operate is to bring them to our restaurants and charge them £1.50. That’s a problem because you’re creating regeneration for the middle-classes, that’s what you’re doing, but you have to have their money, you can’t regenerate anywhere unless you’ve got money and you can’t just hope for Government money because that’s a short term thing...if you’re just setting up Caribbean things, unless you’re setting up the whole tourism bit to connect with it, the people who come to the Caribbean restaurant probably won’t have enough money in their pockets because there aren’t that many middle-class Caribbean yet.<sup>37</sup>

This statement sums illustrates the contradictions of the SSCL project. Although locally support was there for building on existing business and facilities, the logic of the market represented by Challenge strategic emphasis entailed that pragmatically the area’s economy could not be sustained through a relatively poor population and the local services catering to them. Even Martina Drake, a strong critic of the programme, argued that attracting ‘middle-class tourism’ was a plausible strategy, although she also suggested that these trends were possibly happening anyway and SCCL were merely following from the rear:

I agree with that because that was one of our ideas. There wasn’t any point in trying to attract more people who are on benefits or whatever to the area which was all low cost housing perhaps would have done. Um, but I didn’t know that that was, maybe because at

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35 David Worth, Deputy Chief Executive SCCL, 22 June 1999.

36 Henrietta James, Chief Executive SCCL, 20 October 1999.

37 Sarah Turner, SCCL Tenants Forum, 28 July 1999.

the time it wouldn't be politically correct to suggest that that was what we were trying to do, so it was probably a hidden agenda, but if they had an agenda as strong as that I don't see why that didn't come through really. So maybe that's why the idea about the bars and the restaurants... Maybe that's why they chose those outputs about leisure and the twenty-four hour economy... Yes, yes, attracting tourism. Tourists in the wider sense of the word, I mean someone who lives in Hampstead could be a tourist in Southview. I think that's what they meant really in terms of people living outside the area.<sup>38</sup>

She gave one example of how it was difficult for local people to sustain their businesses. One woman, for example, set up an African restaurant and received a small grant to help with the renovations. However, she couldn't find anyone to help her renovate the place and, because it was a little shabby, it failed to get business and closed. A Chinese restaurant opened in the same space, however, with clean décor and wooden tables, and was a success. It is not that there would not have been a market for African food. Rather, it was the case that middle-class consumers wanted an ambience that was "trendy" and "clean". The owner of the African restaurant had no support, however, to enable her to capitalise on these changing tastes. Whether it would have been possible to base a service economy on black culture if the support had been there is an issue therefore. Drake felt that in the context of the 1990s it would have been possible, given the London population's interest in black culture and the reviving fortunes of the younger generations. She mentioned that there were only a few Caribbean cultural and other goods on offer, bar the remaining food shops, and that the development of Southview could have been based around a "New Orleans" ambience. The inability to carry through this kind of project, she felt, was a direct result of what she refers to as a "definite agenda on the part of the Council to move out quite a few of the black people who occupied this area", which took place after 1981. Although she argued that this included many of the drug dealers, in the process of change it also meant that a lot of the "energy" had been lost:

Rehousing people, people being moved to the outskirts, doing up those properties, letting them out to different tenants, businesses underneath. Certainly looks better in fact, you can't quarrel with that. But do I think it's 'better'? I think in some respects its been improved... but I think in terms of the mix of people and the quality of what we could have had here in terms of the market, the mix, I don't think that has improved... Like ten years ago it was useless, it's people setting up these restaurants for black people to go to but we're not going to pay that kind of money for food we can cook at home, but now the time is right. I think that a lot of black activities have been driven out of Southview.<sup>39</sup>

The argument here therefore was that SCCL, in the context of other pressures, was short sighted in its aims. It was orientated towards 'external' capital and had a high private to public funding to ratio. It purposely moved away from funding local community projects (until the riot intervened). It was admitted that, as a consequence of this, local black business lost out. A conflict occurred as to the vision of Southview post-SCCL. The programme was orientated towards, in a sense, marketing local culture, and yet had a strong externally orientated character because it was felt

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38 Martina Drake, Small (Black) Business Forum SCCL, 30 September 1999.

39 Martina Drake, Small (Black) Business Forum, 30 September 1999.

that there was not a sufficient basis locally. And yet, according to some local black business representatives, this was no longer the case and indeed a 'black' orientation would have preserved the distinctive reputation and ambience of Southview – its sub cultural capital (Thornton 1995).

The consequences of such contradictions – the superficial marketing of what Turner<sup>40</sup> described sarcastically as the 'frisson' of Southview - meaning that the 'value-added' dimension of Southview's self-promotion was its edgy and deviant nature – could be viewed from a much more negative perspective. During the research, people would be asked why they wanted to move to Southview or what they thought of it in general. In reply, the common answer would contain such elements as "it's really friendly", "it's really chilled", "you can talk to anybody", along with a normal smattering of descriptions referring to Southview's "mixed", "cosmopolitan" and "vibrant" character, its "colour". Indeed, it became a fairly common experience to be accompanied by friends on an evening out and to hear them loudly proclaim throughout the streets that they've never experienced such a diverse mix of people. To all intents and purposes, it seems that new arrivals can experience something approaching a 'bohemian' lifestyle in its somewhat superficial trappings, what White (2004) referred to in his analysis of the way that the city aims to attract and quell its workers with an authentic cultural playground, as the exercise of the middle-mind – a shadow and shallow experience of the real. Moreover, young incomers, until they acquire knowledge, felt that the general experience of 'tension' and 'crime' is a challenge – an authentic experience. In one case, for example, an individual who worked locally in a bar decided to chase a snatcher who had stolen his wallet, and, because the items were only personal, decided to reason with him. The idea that one would reason with a snatcher could only be perpetuated in Southview. He was stabbed and killed. At subsequent social events this proved to be quite a learning experience (Local press report 28/7/00 & Field notes Aug 2000). Another young professional household were subject to the insanity of a next-door neighbour who used to shout through the walls "you're a dirty whore", but never thought to move. Incomers at this time viewed the difficulties of living in the area as a 'coming of age' experience and one central to the acquisition of subcultural capital later to be bought and sold in the labour market of the media and cultural industries.

In the national media, it was not possible to read a review of a local restaurant or bar without some reference to the journalist's negotiation of local danger. Indeed, the regeneration of Southview itself encouraged media attention. In four visits to nightclubs in the area, a film crew was present recording the proceedings (Field notes February to December 1999). It goes further than this, however, in the sense that an atmosphere of 'illegality' or the culture of 'ducking and diving' is self-consciously promoted. Whilst waiting for one licensee, Neville Hampton of the StarBar, for example, various tables were observed to be involved in negotiation and deal making. Indeed, according to one respondent, this was the way in which the owners were able to have a measure of legitimacy when it first opened. Through networking, deal-making and private coke parties, the owners were able to attract some key local 'faces' around them, although it was not long before they were dropped (Resident

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40 SCCL Tenants Forum, 28 July 1999.

29/8/99). In another case, at a designer bar called Traffic located outside of the centre, which later closed, a visual addition to a drum n' bass night was a series of projections of 'street' images replete with dirt, dealings and graffiti. The venue itself was contrived to look 'edgy'; the outside was painted black with black blinds over the windows and neon lights lined each side of the windows, giving the appearance of a sex joint. As such, then, the 'edgy' and subcultural image of Southview was a major pull for young people nationally and internationally for alternative experiences, multiculturalism by proxy, and the acquisition of subcultural capital. Unsurprising then that Southview's 'difference' which was seen to be embedded in its multicultural image, was marketed as a major pull factor particularly given the anodyne nature of globalised culture.

Turner,<sup>41</sup> however, illustrated how well this self-promotion served the interests of local people from all ethnicities:

...in Southview we have this myth of badness because if we don't have this myth of badness what else have we got but a load of poor people who are badly educated. We have no other image and we would just be basically the ugliest of the working-class and that's not an image anybody would be happy to settle with. So they go for this violent, dangerous thing, and it's been a winner up to now because we've got Challenge money out of it, we've got Estate Action out of it, we've got European money out of it...

Underlying an attraction to and a marketing of the frisson of Southview was fear – a fear of 'difference' but also of the experience of the end point of drugs, deprivation, discrimination and the violence it can engender. Incomers wanted to experience the distinct qualities of Southview without the reality that underlay it. Nigel George, co-owner of the Zebra bar, for example, commented cynically that Southview was becoming like a "safari-park", where "white tourists scuttle from one venue to the next in their taxis, looking at the dangerous beasts outside". In response to the statutory requirement to conduct a local Crime Audit,<sup>42</sup> debates raged in the Council and the press directed at clearing out the street preachers (particularly the black separatist Hand of God), the beggars, the tube ticket touts and the street drinkers, because people found them "intimidating".<sup>43</sup> Debates also raged about the number of street dealers in the centre. A local betting shop housed inside and out a number of Afro-Caribbean men in their 50s and 60s who sold small stashes of cannabis. Although friendly and a local fixture, the police raided them a couple of times as a result of a complaint from someone living nearby (July 1998 & 5 September 1998). Eventually, the betting shop was closed. These conflicts illustrated a difference in attitude between the style and attitudes of the 'new generation' of young professionals compared to older generations. One club owner, Peter O'Brien, who of course had been around since the mid 1970s, said that the early generation of incomers made an effort to understand and attempt at least to relate to the existing

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41 SCCL Tenants Forum, 28 July 1999.

42 A provision of the Crime and Disorder Act 1998 which in Southview only produced about 1000 replies.

43 According to the council officer in charge of the local crime audit, Ella May 9 June 1999, and Simon Morden, Director of Southview Crime Prevention Forum, 19 July 1999.

black population (obviously a more diverse constituency than those individuals described above). According to other accounts this could not be said about the new generation of incomers. Butler's (2001) study of attitudes in Southview found that many of the older generation were dismayed by the willingness of the younger to report matters to the police and other authorities. Richard Keith, of SCCL and the Small Business Forum, commented on how he found people 'arrogant' now in Southview, compared to its more 'laid back' past (20 October 1999). Possibly underneath this arrogance, however, was a sense of being out of ones depth in that there was little opportunity to acquaint oneself with the social rules of the area.

Hence Southview's key 'selling point' was also its problem, and the dilemma becomes how does any strategy respond to such challenges in an increasingly normalising economic and social environment. While it is difficult to extract an approximation of reality to the diverse conflicts that occurred within the Board of SCCL it is perhaps possible to suggest that what is inevitable - that 'governance' could not tolerate an semi-illegal or even criminal area in a permanent stand-off scenario when the commodification of space was increasingly becoming key to perceived economic realities – was not necessarily desirable from the point of view of people who lived and worked in Southview. It might be possible to speculate that Southview might have developed 'New Orleans' style, although the fate of that metropolis, with accusations of racial cleansing as a result of Hurricane Katrina (Davis 2005) suggest that in an unsympathetic political climate difference would not be tolerated for long. Moreover, as Turner suggested, long standing residents particularly on the large public estates that flanked Southview, had to deal with the everyday realities of crime, drugs and violence. Whether the development of the night-time economy and the gentrification of housing and general facilities helped to ease such problems however, or whether it is the case that there is only a layer of gentrified existence underpinned by a sizable volume of deprivation is a continuing dilemma.

## **Conclusion**

From the 1980s, through the Urban Programme and City Challenge, action was taken by the Council to instigate regeneration in the locality, with the Challenge programme in particular representing the perceived 'critical mass' of change. The implementation of City Challenge also inspired what can be described as institutional conflict. Institutionally separate from the Council and constituted as a private company, it sought to implement changes in that way that funding allocation and government operated locally. The Board itself was beset with power disputes that were personalised, as briefly illustrated, but also referred to disputes about funding and support that reflected broader social conflicts. Its critics saw Challenge to have made little provision for community groups and small business. Instead, it had orientated itself to 'outside' capital, a move that was aided by the high capital to funding ratio which local business often could not meet. Confusion was expressed as to whether the Board was bound by City Challenge rules nationally or whether they could have had more flexibility if the agenda had been different. In particular, while the Board celebrated the 'diversity' and 'multiculturalism' of the locality,

members also expressed the idea that black-orientated culture and services were not a sufficient basis for regeneration. A strong orientation to 'tourism' in the 'vision' for the locality expressed those ideas more directly. As such, then, the existing 'black' culture was at best viewed as in need of re-packaging and at worst as financially unsustainable. This did not prevent, however, the exploitation of Southview's black heritage and 'frisson', both positive and negative, for the purposes of investment and the promotion of tourism; an exploitation which, in the long term, more marginalised residents of Southview were unlikely to gain from.

The final DETR report on City Challenge programmes stressed the prerequisite of creating a clear vision that worked with 'local conditions and circumstances' (DETR 1998:13) such as relations between the public, private and community sectors, to create clear objectives and outcomes,<sup>44</sup> and the need for the widespread ownership of the strategy. The difficulty, in an area which consisted of 40% minorities, was that City Challenge was, as one report put it, 'colour blind' (Medas 1994: 13) and in Southview the tendency was to implement the projects as such, although 'aid' was directed towards local people through 80% local employment specifications for building contractors (SCCL Final Report 1999). The report also noted that the DETR in 1992 had been critical of local authorities that had attempted to include the 'structural voluntary sector' (which were strong in ethnic minority communities) but not residents associations (which were strong in white communities) (Medas 1994: 14). Hence it would seem that largely the Board was bound by national specifications. However, the programme also failed in the sense that it was not orientated towards developing the necessary support for black businesses, despite a seeming willingness to do so. The overall impact of this period of regeneration in the 1990s and beyond appeared to many to be typical of the genre of gentrified areas - rising house prices, a widening gulf between the affluent and the deprived, and a night-time economy largely catering to young white professionals.

It is these conflicts that shaped perceptions of the development of the 'night-time economy' in Southview over the remnants of the shebeens. The emergence of a plethora of dance bars and clubs were very much implicated in the machinations of SCCL. Indeed, part of the reason why SCCL was seen to act partially was in relation to the very visible development of the 'white-orientated' night-time economy. How, and with what support, the 'night-time economy' emerged is the subject of the following chapter.

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44 The report noted the problems of innovating baseline audits as a result of the need for these concretised outcomes.

## Chapter Five

# From Nightlife to the 'Night-time Economy'

Many of the conflicts that emerged in the implementation of regeneration initiatives, as the previous chapter illustrated, occurred around the habitation of space and the nature of cultural development. The aim of Challenge, to create a dynamic local economy around the core driver of a 'service economy' predicated on encouraging investment and tourism, created a differential response based loosely around racial but also political allegiances.<sup>1</sup> Particular groups were hostile as to the fact of its occurrence, but also contested the vision it embodied, favouring instead a tourism based around the iconic development of black cultural forms.

Because the cultural strategy of Challenge centred heavily on the development of nightlife, or as expressed within the terms of economic boosterism, the 'night-time economy', many of the conflicts taking place in the locality centred on the assumed deliberate strategy of the programme to eradicate black music and spaces from the centre. As this chapter will examine, Challenge funding was implicated in the growth and influence of one syndicate in particular and unfortunately for the programme, one that could not have been more orientated towards displeasing local sentiments. However, the core of what formed the 'night-time economy' in Southview had been emerging since the 1970s. Indeed, like many of the clubs run and visited by black youth, these venues had themselves been subject to pressure from the Council and the police.

The context for this hostility was on the one hand the strong association between drinking, entertainment, libertarianism and the entrepreneurialism of the Right, and on the other between the Socialist left, social engineering and Temperance. Nightlife and popular culture in this Labour dominated borough was viewed with suspicion and, as this chapter will illustrate, attempts were made to make life difficult for cultural entrepreneurs. One document claimed that in the 1970s to the early 1980s, for example, the Council 'readily granted planning permissions' for sites to be converted from entertainment to other uses (Southview Society in the Southview Report Transcript 1981, HO266/29/OS141: 2). Although after the conflicts of 1981 the Council began to review the need for entertainment and leisure facilities in the area, this was still largely focused around the 'special needs groups' - women, young black males and the need for community or municipal events. Moreover, it was only viewed as being for 'cultural, racial and religious needs' (Southview Borough Council

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1 At this time urban anarchism had firmly set in amongst radical white populations, exhibited in a well known squatted community centre, an anti-gentrification newsletter and a pro-cannabis campaign.



Report 18/2/81: 301) and so more cinemas, community centres and community arts or theatre activities were sought rather than clubs and bars (Southview Borough Council Report 1984). This reflected the way in which Southview was part of a broader shift towards ‘municipal anti-racism’ (Gordon 1990: 176).

By 1986, there was a slight change of emphasis given to the Local Plan, which began to stress the importance of entertainment and the arts for tourism, although the role of the more problematised nightlife was still absent from considerations:

The Council is primarily concerned to provide for the entertainment needs of local residents. However, the Council also recognises the potential benefits to the local economy through gearing certain entertainments to the needs of both local residents and visitors, including tourists, e.g., through wider promotion of local cultural events and shows (Borough Council Report 1986: 58).

By 1987, the importance of cafés, wine bars and restaurants in planning strategy received their first mention locally, although as an aspect of considering problematic environmental pollution (noise, traffic and so on) and its potential effect on other businesses (Southview Borough Council Report 1987). It was not really until 1992 that night entertainment appears to receive its first positive mention in council records (Southview Borough Council Department of Environmental Services 1992). Hence until the early 1990s nightlife as a whole was viewed with suspicion or as irrelevant by the Council,<sup>2</sup> and many of the key operators had to struggle, and sometimes break the law, to establish themselves. This chapter will outline these personal stories of cultural innovation before going on to consider the problematic relationship between the strategic development of the night-time economy and Southview Challenge Company Limited (SCCL).

### **Coming in from the Cold: the Development of the Night-time Economy in Southview**

From the late 1970s a number of people had moved to Southview and had set up ‘cultural projects’. One of these was the Roxy owned by Peter O’Brien,<sup>3</sup> a cheap and liberal independent arts cinema. It never made much money, partly due to staff operating a free entrance fee policy for friends and acquaintances. Inside, permissive behaviour, such as drinking and weed smoking, was commonplace. In addition to this, in December 1981, a couple, Sarah Waites and John Peterson set up an indie post-punk club called the ‘Dome’, which throughout the 1980s became famous for its gay nights. In 1985, another club – now named Club 99 – opened in the centre, owned by Jane Marriot and her partner, which originally specialised in reggae and then shifted to trance. In or around 1987 an up-market restaurant/bar was set up by Michael Oswald called the Southsider, which closed after three years but opened again in the mid 1990s. Lastly, there were approximately four West Indian Public

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2 This does not account, of course, for the pivotal role of the police, which will be explored in chapter seven.

3 Co-owner of Thai Heaven and the Zebra, 1 February 2000.

Houses in the centre.<sup>4</sup> One important West Indian venue was the Mango, situated on the front line and managed by Jake Wilson and Winston Henry.

During the 1980s, all cultural venues, whether black or white owned, faced problems from the police, the licensing authorities and the broader difficulty of being able to mobilise capital and run a business. Sarah Waites and John Peterson<sup>5</sup> explained how they had opened Southview's first 'designer' nightclub in 1981 in a rented venue formerly closed by the police. After running this venue for three years the Council bought the premises and evicted them. They explained this action as a particular product of the Leader of the Council's hostility at that time both to nightlife and to their 'entrepreneurialism':

...he thought we were some kind of Fulhamites or something, gentrif.. it was all that Red Ken Livingstone, all that kind of down with businesses, down with anyone that wants to make money, down with anyone having a good time, and he was really quite a beastly man, and so, we had to leave, we had to move in 1984.<sup>6</sup>

From the start however their nightclub enterprises were run on the edge with no money and no financial stability. As described by Waites:

...we're much wiser now on things like company law and what one should do as a righteous citizen and what one shouldn't do, but in those days we thought, it's a club, we'll just carry on, but you'd have things like, y'know, the company goes down the drain, and the bailiffs turn up and they lock up the building, and somehow you manage to get back in and you open up on the night...it was all done on absolutely no money, because we never had any money. The banks at that time wouldn't even consider giving you a bank account if you had a nightclub, let alone lend you any money, and because of the area of course, the '81 riots, no-one wanted to touch it with a bargepole...

Peterson went on to explain that he went to jail for six months for tax evasion because they could not afford to pay tax and keep the business afloat at the same time.<sup>7</sup>

All the long-standing owners interviewed echoed these experiences of the financially tenuous nature of running a night venue in the early days. Marriot and her partner Trent, co-owners of Club 99, were awarded a rare small grant from the Council to overhaul their venue, the rest being financed from loans and help from friends, as Marriot explained:

We opened Friday 13<sup>th</sup> 1985 and right to the morning we were still doing little bits, so we could...we didn't get any financial help, um, apart from a small grant from the Council which looked after the first three months rent, but it wasn't given to us, it was given direct from the Council to the landlord. It wasn't the done thing to give people money because they'd lost so much so when we came along for a grant that's all we could get. We got a

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4 Only one of these, situated in a side street, remains.

5 Co-owners of the Dome, 11 May 2000.

6 Sarah Waites, Co-owner of the Dome, 11 May 2000.

7 John Peterson, Co-owner of the Dome, 11 May 2000.

loan from the brewery, and the rest was just us. We done the work, we knocked the walls out, we done everything. That's how we started out.<sup>8</sup>

Oswald described how he had problems accessing finance due to the fact, he felt, that the bank manager that handled grants for the Council was a 'racist'.

Nat West had this system with Southview Borough Council who were giving out grants, and if you got a grant it had to be furnished through Nat West...but if you were black you had to go to Nat West South East Central. Some horrendous things went on then. There was this guy, with a bloodstain on his head and we called him Gobe, racist little shite, and we had to fight with him again over this idea that he didn't think it would possibly work in Southview, an up-market bar.<sup>9</sup>

Overall, through what has variously been described as collective effort, an ability to evolve with the local community, and the juggling of resources, these venues on the whole managed to stay open and afloat, if with marginal profits. O'Brien, for example, said that he could only be described as making a living from the Roxy, the profits being too rare for a successful enterprise.<sup>10</sup>

Accessing a license was also difficult in the early days of the 1980s. As Waites explained:

You've got to think back then, in the early '80s, not now when everyone thinks "oh how fabulous to have a café and a bar where everyone sits outside, isn't it so continental", y'know. In those days they thought shock, horror, people getting drunk, we can't allow music, detrimental to our youth, y'know, all that, and there was a hell of a time over the music and dancing licenses. They grilled me, absolutely, and I came out and burst into tears. It was serious, y'know, why do you really want this license, and why do you think you should do this, ddd. It was a right pain.<sup>11</sup>

This negative experience of the Council was echoed by Oswald:

The local authorities had a rather blanket view that the centre of Southview should only be retail, and we took them to a public enquiry, so we actually changed the whole policy of Southview Centre so that retail units can be changed to A3 use. So all these little buggers who've got all these places should actually be thankful to us because they don't know how we fought for them...I remember when I was asked at one council meeting when we were going for partial change of use, they wanted us to be interviewed and one of the questions was "Do black people drink wine?" I was absolutely horrified and I said, number one, they do, but more than that, I'm not actually opening a business for black folk. I'm actually opening a business for people who enjoy wines from France or whatever. There was this negativity still at that point as to how black people were perceived.<sup>12</sup>

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8 Jane Marriot, Co-owner of Club 99, 18 November 1999.

9 Michael Oswald, Owner of the Southsider, 9 December 1999.

10 Peter O'Brien, Co-owner of Thai Heaven and the Zebra, 1 February 2000.

11 Co-owner of the Dome, 11 May 2000,

12 Michael Oswald, Owner of the Southsider, 9 December 1999.

Marriot of Club 99 explained how the police (Scotland Yard because the Southview Licensing Officer was on holiday) had opposed the license:

I think they just didn't like us, and they were worried about the, ha, well y'know it was just, I mean, it was only five years after the riots, so, looking back, you can understand the fears and concerns and everything else, but at the time it was, it was unfair, it was unjust, it shouldn't be allowed, it was very much us versus the police, more so than the Council...but we won, we got our license, and we had...a lot of problems, as far as people pursuing us<sup>13</sup>, as I said, and once we climbed that mountain everything was fine.<sup>14</sup>

As will be examined in chapter seven, Club 99 was told by the police to stop playing reggae in the late 1980s, a edict which by that time the owners were happy to comply with because they felt it was getting violent.<sup>15</sup>

These club owners, who had been operating prior to the arrival of the night-time economy, had all then experienced a range of problems in establishing their venue. They had nevertheless made some degree of success with their businesses largely without financial aid. Their longevity, however, influenced the way they saw their role in the locality. Far from the perception of the irresponsible licensee encouraging binge drinking, they saw their role as pivotal to encouraging community 'cohesion'. Marriot, for example, argued that they specifically aimed at inclusive employment practices and, because they were located in the centre of a crime and dealing spot, employed their own ways of managing these issues:

I always seem to employ people who have trouble getting employment. When I started out, y'know, if I hadn't been given the chance...but I got the break. So I'm very much of a stay local person and give work to the people who need it...If there's a problem, you've got to help, I think that's what the authorities like about us. When we first started here Trent used to chase muggers up the road away from the customers...if you ever pass here at night time, our front is always clear (of dealers).<sup>16</sup>

O'Brien also commented on his struggle to adapt to the local area in a way that was inclusive and how this had impacted on how he ran his restaurant/bar, from employment policies to décor:

I think any person in this area has to work hard at, at um...race issues. Nobody coming into the area saying I'm in Southview, I've got loads of black friends, I'm not a racist...it's just in there, it's within you somehow, and I think you have to, anyway, so what I'm saying is there are many good people who come in, I don't know what I'm trying to say...of all the areas I've lived in this is the most cosmopolitan, where one almost feels like some sort of rainbow coalition is possible...there's a great mix in this restaurant...it's something that for me is the norm and I try and encourage by style and whatever else...but to ignore that fact that there are two communities in this area is foolish, there are.<sup>17</sup>

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13 Marriot was referring here to low-level extortion.

14 Jane Marriot, Co-owner of Club 99, 18 November 1999.

15 Jane Marriot, Co-owner of Club 99, 18 November 1999.

16 Jane Marriot, Co-owner of Club 99, 18 November 1999.

17 Peter O'Brien, Co-owner of Thai Heaven and the Zebra, 1 February 2000.

While these two were particular examples of individuals who by association with people outside their ethnicity had managed to approximate a non-segregated leisure, all of those interviewed who had operated in Southview in the 1970s or 1980s showed some degree of awareness in relation to their local responsibilities, whether this be through the use of local promoters and local employment more generally, to holding events for young people. Nevertheless, it was this first wave of ‘gentrification’ within the realm of nightlife that benefited from attempts to promote the night-time economy. Whether by direct access to funding or on the back of the promotional boosterist activities of SCCL, these individuals managed to build up their business and expand. This chapter will now turn to the part played by Challenge in the local development of night-time entertainment.

### **Southview Challenge Company Limited and the Night-time Economy**

The development and expansion of the night-time economy in the 1990s was claimed by Henrietta James, the Chief Executive of Southview Challenge Company Limited (SCCL), as a key success of the programme and something that was planned from the beginning. She also argued that the use of the night-time entertainment as an economic driver was unique to Southview at that time. However, in the original Action Plan (1992), the only venues planned for renovation were the Roxy – the independent cinema, a communication industry base with restaurant facilities, a ‘visitor initiative’ to promote tourism, which was actually listed under the category of community facilities, and a project in the nearby St John’s Church also mentioned in ‘community facilities’. In the last example, Worth described how the Executive was not keen on this project, but that the Church of England, MP’s and the Employment Minister campaigned for it. They were successful because they were considering the project at the same time as a discussion was taking place about a shortfall in spending.<sup>18</sup> In other words, in the initial strategic plan, the Challenge bid merely replicated policies within the Council, which aimed at a fairly broad arts focus rather than the development of a night-time economy. Indeed, the Action Plan emphasised the problematic nature of local entertainment that was ‘concentrated in the evenings with too narrow a base, whose economic potential is not fully realised’ (Action Plan 1992). Contrary to James argument, other cities such as Manchester were way ahead in terms of strategic planning in relation to developing night-time economies (Lovatt 1996). One respondent indeed claimed that a local nefarious figure, responsible for setting up a range of property deals in the area, had bragged about having a line to Tony Wilson of Factory Records and the Hacienda and was constantly asking for advice about how to “do the same” in Southview – meaning, pulling off various money making schemes relating to the scam of cultural regeneration.

The importance of the night-time economy actually became a more focused theme in 1994, after a study by the Civic Trust emphasised the importance of the twenty-four hour economy, the arts and leisure sector, the need to address Southview’s ‘seedy’ image and to develop a ‘safer, welcoming and cleaner town centre’ (SCCL

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18 David Worth, Deputy Chief Executive SCCL, 22 June 1999.

Final Report 1999: 66). This study was completed two or three years into the project and was key to the re-branding of the centre, as Ellison described:

Yes, the Civic Trust came in two or three years into the programme, and it was they that looked at the potential of Southview, the culture, the vibrancy, the night time economy, with a view to branding the town centre for the particular focus of regeneration. It was then that the Chief Officers of Southview Challenge accepted this as a legitimate approach to regeneration for Southview. Essentially, they weren't so sure what to base it on. There was always a night-time economy here, there always has been - albeit it was illegal - it was here, but it wasn't shared.<sup>19</sup>

In a presumably uncharacteristic flexibility regarding allocation, funds were diverted to the night sector. This took the form of external façade works and security grants to a local concert venue in 1994 (SCCL Annual Report 1994/5) and two local public houses in 1995 including the StarBar (SCCL Annual Report 1995/6). These direct funding figures however disguised the amount of money channelled from other sources, which could broadly be seen as benefitting the night-time economy. For example, a scheme to renovate commercial and residential premises in the front line rebuilt retail facilities in one section of this area, which was then taken over by an up-market café. While St John's Church, as indicated earlier, was also renovated with spaces given over to a restaurant, bar and theatre, the theatre space eventually became, in circumstances outlined in chapter seven, a 1000 (or more) capacity club, Prayer, under the management of the StarBar syndicate. Funding was also given to a 'black bookshop/evening cultural centre' in the same area. The Roxy received £1 million through SCCL grants, and in fact the sale and redevelopment of these premises was predicated upon the receipt of public money.<sup>20</sup> O'Brien, having sold out, then opened in partnership with a local restaurateur a bar/restaurant on the site of these premises, called Thai Heaven. This project also received £60,000 after some negotiation with the SCCL Board, which will be discussed in the following section of this chapter.<sup>21</sup> Lastly, the new Southsider Bar received a grant of around £12,000 for the purposes of renovation.<sup>22</sup>

Such activity does give the appearance of change. However, as the final evaluation of SCCL argued, little measurement was taken of the extent to which venues were intermittently closed and reopened, or closed permanently. Moreover, various types of business were included in the Entertainment, Leisure and Media (ELM) sector. If the figures are broken down further, it was only food provision that saw the most dramatic rise, from twenty-five premises in 1993 to 105 in 1998. Community facilities diminished from fourteen to eight in the same period, cultural facilities rose from seventeen to thirty-four in 1995 and then diminished to twenty-four in 1998, and music venues declined from seven to four from 1993 to 1998 (SCCL Final Report 1999: 53). The appearance of change was however merited

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19 Dave Ellison, ex-Borough Council Planning Officer, 10 December 1999.

20 Peter O'Brien, Co-owner of Thai Heaven and the Zebra, 1 February 2000.

21 Peter O'Brien, Co-owner of Thai Heaven and the Zebra, 1 February 2000, Martina Drake, Small (Black) Business Forum SCCL, 30 September 1999.

22 Michael Oswald, Owner of the Southsider, 9 December 1999.

by the fact that many public houses were taken over and transformed into ‘dance’ bars, which proliferated particularly between 1997 to the present, and to the present day a number of former public houses have transformed themselves into ‘gastro pubs’. Hence it was the type of venue, that is, the transfer of public houses to dance bars catering for new and distinct audience, which became the most visibly distinct indicator of cultural dominance in Southview apart from the creation of Prayer.

Moreover, many of the successful venues locally received no Challenge funding and were disparaging about its impact. Peterson and Waites of the Dome, for example, claimed little association with Challenge but were actively involved in some regeneration networks, specifically in a group of night-time entrepreneurs that produced promotional literature and worked with the Town Centre Forum. They essentially saw Challenge as a financial lever for encouraging outside investment rather than building on what was already there:

What happened with Southview Challenge was that the big companies as always, the ones that wouldn’t even spit on Southview, suddenly found they could get a subsidy, it’s as simple as that, no better for it at all...we talked to the Challenge people, wanted to print up a map of Southview as a flier, just to send out the message that its happening, that it’s a good place to hang out...it would have cost about £8000 for 50,000 plus the artwork, nothing much, and they’re sitting on £30m, right. And they didn’t give a toss. They made no difference whatsoever...you can’t beat the genuine energy of people these days.<sup>23</sup>

SCCL claimed the development of the night-time economy to be a key strategy and indicator of success,<sup>24</sup> although it built on an already developing sector alongside the cultural heritage of black and alternative cultural forms. In one key respect, however, it played a role in altering the fortunes of one incoming syndicate, the Star Bar group. Unlike other local operators, it had practically no connection to Southview and indeed had to generate a connection artificially. It was this syndicate that attracted local hostility and the mutual association between SCCL and the Star Bar tainted both sides. What follows is an attempt to put together the fragments and hidden story behind the establishment of the StarBar and to assess the actual problems caused by SCCL dealings with it.

### **Cultural Transitions and Resentment: from the Mango to Star Bar Ltd.**

The conflict on SCCL has been explored in relation to the problem of ‘community’ and small business particularly in relation to black organisations. A key moment that shaped these debates was the change of ownership of the Mango to the StarBar Ltd., and in particular how this change had been managed. The Mango public house was a key symbolic location on the ‘front line’, or at least became so, and in its thirty to forty year history was not only a West Indian “watering hole”<sup>25</sup> but also a venue frequented by the police.<sup>26</sup> The venue was closed on agreement between the police

23 John Peterson, Co-owner of the Dome, 11 May 2000.

24 Henrietta James, Chief Executive of SCCL, 10 September 1999.

25 Dave Ellison, ex-Borough Council Planning Officer, 10 December 1999.

26 Sergeant Brian Walters, Metropolitan Police Licensing Officer, 12 October 2000.

and the brewery that owned it in 1994, after a series of raids for drugs. After being closed for a year, it was reopened by StarBar Ltd. and was renovated with £75,000 of SCCL funding. Approximately a month after opening, it was targeted, looted and burnt during the 1995 'riot', but was afterwards quickly renovated. The venue was seen locally by different sections of the population as suspicious because of its close relationship to the police, the character of its clientele - mostly young white 'grunge' professionals - and for its receipt of SCCL funding. Accusations were made that the managers of the Mango were subject to harassment by the police whereas the Star Bar Ltd. were granted favours, unconnected to considerations of the level of crime and disorder associated with these premises.

According to Ellison,<sup>27</sup> Terrance O'Leary,<sup>28</sup> and Brian Walters,<sup>29</sup> the Mango did acquire a reputation for illegality, drugs (mainly Cannabis), the transfer of stolen goods and drinking after hours in the 1980s. However, these factors were common to all venues in that period, because most pubs in the area would be frequented by minor drug dealers, and most had 'lock-ins'. As Ellison put it:

The Mango..there were 3 or 4 pubs of significance to the local community in Southview, and, lets just say, these were the only places, they sat on a thin line between lawful and unlawful, because they were lawful pubs, but what they'd often have is drinking hours beyond the drinking times. This isn't just in Southview. It happens everywhere, y'know, shut the door, pull the blinds down.

Over the years, the management had attempted to buy the lease for the venue from the brewery, but had been refused, which according to Ellison was felt to be racially motivated:

Jake had run this place, given them extremely good profits for a very long time, um, and eventually, had tried to buy the lease for himself, effectively, had been independent and entrepreneurial for a very long time. He was consistently denied the opportunity to purchase the lease for a long time. Now I don't know if it was the case that it was racism, I'm only telling you what Louis said to me, or what others said to me as well. They suspect that there was maybe a bit of racism here, because there was a rumour that the brewery owner said he would never sell it to a black guy. I don't know if that's true or not.

In the late 1980s, the police started to take account of illegal activities and on agreement with the brewery the venue was closed down on a couple of occasions. It was generally agreed that Wilson had lost control of the premises,<sup>30</sup> and O'Leary, who knew the management, put this down to 'bad' business skills.<sup>31</sup> The pub however was subject to pressure from local gangsters who wanted to use the venue as a basis to sell drugs, with threats of trouble if the management refused. It was felt

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27 Ex-Borough Council Planning Officer 10 December 1999.

28 Former Chair of the Licensing Committee and current Chair of the Planning Committee, 10 November 1999.

29 Metropolitan Police Licensing Officer, 12 October 2000.

30 Dave Ellison, ex-Borough Council Planning Officer, 10 December 1999.

31 Terrance O'Leary, former Chair of the Licensing Committee and current Chair of the Planning Committee, 10 November 1999.



by the management that they could not go to the police to explain their problem, largely because of the historical reason in licensing that it would be considered the licensee's fault:

I would say largely it was his own fault. He couldn't keep a grip on that. But then who can? If you've got gangsters coming in to sell drugs, how can you deal with them...all these people were saying, well we'll give you a percentage of the takings, and you'll let us sell this, and if you don't, you're going to have problems. They'll damage your pubs image, they'll come in and start fights, cause trouble. You'll lose your patronage. When it comes to these kind of syndicates, you have to fight fire with fire. You can't say nicely, can you please not do this on my premises. That's not how it works, so it's a matter of luck really as to what happens. You could mention it to the police, but you'd get into trouble here.<sup>32</sup>

The police arranged with the brewery for the venue to be closed until a suitable management team could be found with a "new theme"<sup>33</sup> and the existing manager was refused a license from the magistrates.<sup>34</sup> The manager was also charged on a count of permitting drug sale/use on his premises, but was cleared.<sup>35</sup> The police interviewed every prospective owner, and five were rejected; a female manager, for example, who had the idea of turning it into a gay bar, was refused because she owned a venue elsewhere in Southview and was seen to have "criminal connections". Others were rejected because they weren't seen to be 'strong' enough, until the present syndicate came along who were considered to be professional because they were the only ones who had a business plan.<sup>36</sup> The team also agreed to use CCTV and put security on the door to deal with the previous "element".<sup>37</sup> Alongside this, however, the new management team applied, and instantly accessed, SCCL funding to renovate the exterior. This was used to build an extension, a beer garden and so on.<sup>38</sup> The application and receipt of SCCL funding was viewed by Hampton as being unproblematic:

Southview Challenge at that time had a lot of money to do up buildings in the central area, so I simply applied to do up a pub in the middle of Southview - it was fairly straightforward. On this road, we've got money, I mean, the Roxy got money, Thai Heaven got money, every single venue of this road, that looks done up, got money from Southview Challenge. And that's fine, that's worked, because we wouldn't have had the money to do it without their funding [answers mobile phone] you see what I mean, because we filled their criteria, and we were probably a good investment in terms of the jobs we created.<sup>39</sup>

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32 Dave Ellison, ex-Borough Council Planning Officer, 10 December 1999.

33 Sergeant Brian Walters, Metropolitan Police Licensing Officer, 12 October 2000.

34 Dave Ellison, ex-Borough Council Planning Officer, 10 December 1999.

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36 Sergeant Brian Walters, Metropolitan Police Licensing Officer, 12 October 2000.

37 Sergeant Brian Walters, Metropolitan Police Licensing Officer, 12 October 2000.

38 Neville Hampton, Co-owner of the StarBar and Prayer, 29 February 2000.

39 Neville Hampton, Co-owner of the StarBar and Prayer, 29 February 2000.

For the owners of the Mango, however, the scenario had been radically different. They were unable to lever in match funding, and moreover did not understand fully the implications of the technical regulations of the application process. This, alongside the intervention of the police, ensured that they lost the venue. The impact of the loss of the Mango was broader than a simple change of ownership affecting the management. Within Southview itself, the venue was held to be symbolic in the sense that, although people may not have gone there and there was nothing special taking place there in terms of cultural enterprise, it was seen as a key element of the West Indian ‘community’ and part of the historic legacy of the front line. Keith, for example, argued that the role, played by SCCL, in its closure and transfer was “provocative” because of this symbolic importance of the space.<sup>40</sup>

It was also the case that local people and board members of SCCL were suspicious as to how the syndicate had been able to access the funding. For example, David Worth commented on the “odd relationship” the syndicate had with SCCL.<sup>41</sup> Drake (from the SCCL board) said that there had been rumours about them “knowing councillors”.<sup>42</sup> Both Ellison<sup>43</sup> and Keith<sup>44</sup> commented on the ‘missing money factor’, in other words, no one could work out where the funding had gone. As already stated, formally it had been for external façade work, but even Hampton said that the funding they had received over a year had gone into building an extension and a beer garden, and into cleaning the building up.<sup>45</sup> SCCL board members also articulated concerns because they had not known about the funding until the opening night.<sup>46</sup> A few residents who lived nearby, commenting on the raiding and closure of the Mango, argued that its closure had been about the desire to cleanse the area of ‘black culture’; the police cared about dealing while it had been a black space, but not now it was a white one. The suspicions were enhanced by the way the venue was run. Unlike previous venue owners in Southview, the syndicate made little attempt to understand and work with what can be dubbed the ‘ethos’ of the area, although did reinvest locally. As O’Brien commented:

...he’s gone for a particular market, aggressively so, and has no interest in pulling in a black crowd...but what you’ve got to say about Hampton is that he’s hard businessman. When he tells me some of the employment practices he has, I mean Jesus, but on the other hand one thing you can say about him is that he’s put all the money back into this area, into Prayer, and that’s something to be applauded.<sup>47</sup>

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40 Richard Keith, Small (Black) Business Forum SCCL, 20 October 1999.

41 David Worth, Deputy Chief Executive SCCL, 22 June 1999.

42 Martina Drake, Small (Black) Business Forum SCCL, 30 September 1999.

43 Ex-Borough Council Planning Officer, 10 December 1999.

44 Small (Black) Business Forum SCCL, 20 October 1999.

45 Neville Hampton, Co-owner of the StarBar and Prayer, 29 February 2000.

46 Richard Keith, Small (Black) Business Forum SCCL, 20 October 1999.

47 Peter O’Brien, Co-owner of Thai Heaven and the Zebra, 1 February 2000.

However, Fleming<sup>48</sup> argued that the rumours relating to the StarBar were motivated by “jealousy” at their success, while James<sup>49</sup> said that the deal had nothing to do with SCCL but was organised by the Council. Ellison, however, described this process of change as inevitable. As outlined in chapter four, he had felt that rules of the area were changing and individuals would have to conform. Nevertheless, he also noted the element of suspicion that hung around the StarBar syndicate:

Its funny, because when Jake lost it he would sit in the Raging Horse and talk about the old times, he would sit there drinking rum and drinking beers and just talk about the old days. And I could see a broken man. Here was this place that he’d lost, and it was a part of him in a way, and it had been lost through some funny goings on. But the hard facts are, that the issue of modernisation had to come, and it was resisted, due to, how can I put it, due to..well, it had to come, and they had to accept it, y’know, but it was the way it came about, as you said, there are bits of mud that stick to the whole syndicate that run it right now, y’know. But um it was just that it was an important part of the local tapestry, and it is that reason in a way. It was the front line, and now, what’s happened to the front line, it’s no longer the front line any more.<sup>50</sup>

The problems faced by local people in accessing SCCL funding and support were not isolated to this example. Thai Heaven, although it was claimed as a key success story by SCCL, had difficulty in accessing financing from the Board. The owner of a local Thai restaurant originally bid for £60,000 after coming to an agreement over a new, larger space situated underneath the Roxy cinema. It was refused on the basis that his match funding was in the form of a bank loan, which was itself dependent on accessing SCCL funding. Although the Roxy had been sold on the basis of SCCL funding for renovation, the restaurateur could not access funding because of the way the loan had been negotiated. Peter O’Brien, however, the former owner of the Roxy, became a partner and invested separate finance (which was money borrowed from his family and a bank loan based in that capital). After he had put in a new application, and after various arguments on SCCL that lasted for two years,<sup>51</sup> the funding was granted. The difficulties over this small amount of funding were understood by O’Brien to be a failure of Challenge to help people with the application. Naturally, some applicants, having the right education and training, could manage the application process; others found the complexity unmanageable and they could have lost out as a result. As O’Brien explained about the initial failed bid:

...he had all the right credentials to get that grant, but he needed help with presentation, just gathering together all the various elements. He qualified, or let’s put in another way, the project qualified. Um, but they had no structure by which somebody making an

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48 Jonathan Fleming, representative of large retailers and SCCL ordinary board member, 4 August 1999.

49 Henrietta James, Chief Executive SCCL 10 September 1999.

50 Dave Ellison, ex-Borough Council Planning Officer, 10 December 1999.

51 Martina Drake, Small (Black) Business Forum SCCL, 30 September 1999.

application was given any help. I think that was a major problem for a lot of um for a lot of businesses in this area.<sup>52</sup>

The closure of the Mango should be seen in the overall context of the transfer and colonisation of space discussed in chapter three and four. It was a public house situated on the front line and managed by known elements in the local population. Confronted by difficulties somewhat outside of its control, it failed to benefit from either new funding regimes or the general gentrification of Southview. It was not well placed financially to take advantage of the types of funding available. Furthermore, there was no technical assistance available to aid redevelopment nor were the police inclined to be supportive. There may not be anything more in its takeover by the StarBar than superior expertise in networking - somewhat aided by the ethnicity of the syndicate - and financial capital. However, for the local population the issues went beyond issues of business competence and financial efficiency. It was felt that any funding should benefit local groups and business, and the need to retain the heritage of black culture, beyond that of pure marketing and cultural tourism, overrode market considerations.

## **Conclusion**

Night spaces are influenced, as in other examples of spatial and cultural change, by broader economic, social and regulatory changes. The opposite is also the case – the social, economic and regulatory landscape is influenced by spatial and cultural change. As chapter three outlined, the experience of discrimination by the incoming West Indian population in the post-war period created a demand for a segregated nightlife. Discrimination occurred at the regulatory level however, with black venue owners encountering difficulties in obtaining a license. This period was in particular framed by post-war conformity, privatised leisure and fixed statutory closing times. As such, even by the 1970s all nightclub owners faced pressure by the authorities and the police. There were therefore two responses to this, both teetering on the edge between the licit and the illicit. One of these was to develop the unregulated sector, the shebeens or blues clubs; the other was to battle with the locality, with finances and with the authorities, to provide night entertainment.

The onset of the post-industrial economy created two new dynamics. On the one hand, licensed premises found that the climate had changed towards opening times and to their role in general – indeed being hailed as an important economic driver in the local ‘night-time economy’ (Lovatt 1996). On the other, the rationale of the post-industrial economy was to absorb new spaces into economic reproduction – to colonise the excluded (Zukin 1989). This meant that the unregulated sector had to in some way be assimilated or eliminated in targeted areas. Although SCCL was not responsible for such changes, influenced as they were by broader dynamics, it was held to be symbolic because of the timing of the critical mass of change and because of its relationship, perhaps rather tangential, to the Star Bar. Ideologically, this was often represented as a feeling of inevitability with regard to social and cultural

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52 Peter O’Brien, Co-owner of Thai Heaven and the Zebra, 1 February 2000.

change – the old and outdated versus the new or what can be represented as the irrepressible onset of commodified relations. For example, O’Brien<sup>53</sup> claimed that he had a “much bigger belief in the profit principle” these days, and this was connected to a growing feeling of “obligations”. Both Oswald<sup>54</sup> and Peterson<sup>55</sup> argued that Southview had, before post-war immigration, been a “playground of the middle-classes” and should be again. This coalesces with the background and perspectives of a new generation of club owners who ran venues such as the Hacienda, Cream and the Ministry of Sound who, despite a keen interest in the subcultural, were socially solidly professional middle or upper-class.

As the example of the Mango illustrates, however, the re-colonisation of unregulated or quasi-unregulated spaces was facilitated by the intervention of the police and licensing bodies. Moreover, the development of the night-time economy itself could not have occurred without the transformation of regulatory regimes that both loosened up supply, opening hours and surrendered space to inward investment. The following two chapters will look at two sides of this regulatory change: deregulation, alongside the reproduction of differentiation and exclusion in the licensing process.

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53 Co-owner of Thai Heaven and the Zebra, 1 February 2000.

54 Owner of the Southsider, 9 December 1999.

55 John Peterson, Co-owner of the Dome, 11 May 2000.

## Chapter Six

# Licensing and the Loss of Political and Moral Authority

So far this book has examined what Zukin (1989) conceptualised as the ‘urban conversion process’: specifically how urban regeneration strategies interacted with a locality that was deviant, stigmatised and entrenched within radical and racial politics. The spatial dimension of these strategies had the ultimate impact at turning over the central area to mainstream business activity, either through normalising existing businesses or through the exclusion of those seen as the most disorganised and therefore crime-ridden or otherwise undesirable. Although this process was racialised, it cannot be seen wholly in that context. Rather, it was the implication of black culture in Southview in subcultural, resistant and unregulated forms in general that aided its marginalisation and demise, institutional racism notwithstanding. Within the commercialised and gentrified night-time economy, the Mango’s loss was the StarBar syndicates gain, and as examined in the previous chapter, many local business and operators had to reacquaint themselves with the profit motive. This dynamic was accelerated by the consumers of the new night-time economy, largely young middle-class professionals, with conventional aspirations and fears and limited horizons. The naturalisation of market relations in Southview underlined the Challenge programme and represented the inability to conceive of a more imaginative and inclusive form of change. Its lack of autonomy simply reinforced the fact that creative engagement with the locality was not seen to be desirable or politically permissible.

For over a decade it has been understood that if these economic and social changes were driver of the ‘night-time economy’, changes in licensing law or practice and policing freed it from the constraints imposed by what has been viewed as Fordist controls. With the state at the forefront of social engineering, regulatory institutions concerned with licensing saw themselves as being responsible for maintaining the core institutions of the family and work by reinforcing an idea of privatised leisure; nightclubs and other late night activities were to be discouraged by restricting their number and hours of opening (Lovatt 1996). With its antecedents in nineteenth century Temperance, it was felt that if supply was constrained then so would consumption, thus preventing the corrosive effect of drink and transgression on stable social relationships (Webb and Webb 1903). At the core of this sense of agency was that licensing authorities were permitted to make ‘moral judgments’ about the nature of the premises and the character of the licensee - the idea of a ‘fit and proper’ person.

As seen in chapter one, it was partly the case that alternative culture challenged these formulations, which were in any case largely hypocritical given that ‘lock-

ins' and debauchery continued apace by venues awarding gratuities to the police, licensing and planning authorities (Orwell 1940). The growing success of transgressive cultures in imposing their claims if for a brief period, however, like women's liberation, were not simply a product of political agitation but also the loosening of moral boundaries characteristic of neo-liberalism. The emerging night-time economy benefited from these changes on the back of alterations to work and lifestyle – the so-called twenty-four hour economy (Kreitzman 1999). Moreover the state no longer saw any economic rationality in restricting supply. In the post-Fordist regulation of nightlife, as Lovatt (1996) pointed out, licensing regimes became more flexible, which has been taken to mean, more recently, uninterested in controlling or policing its worst manifestations (Hobbs et al. 2003).

This chapter will explore this unraveling of regulatory controls within Southview; in particular, how the subjectivity of regulators confined itself to a strategy of permissiveness and managerialism and how this *laissez-faire* defeatism served to benefit the entrepreneurs of the night-time economy. What follows is an examination of three ways this new consciousness was evident in licensing regulation in Southview: the deregulation of closing times; the decline of moral judgment; and the growing dependence on, and the problems associated with, the nuisance laws as a means of mediating supply. As chapter seven will examine, however, the consequence of this redefined role is that regulatory subjectivity was more dependent on notions of commercial or consumer viability in deciding what is socially acceptable, which had specific consequences for the Afro-Caribbean population in Southview. Moreover, those consequences were defined by a continuing commitment to institutionally racist practices within some elements of local policing.

The continuing commitment to certain forms of regulatory controls, however, which will be outlined in chapter seven, throws the arguments made in this chapter into relief. Effectively wielding extensive powers of decision-making, councillors, council officers and to some extent the police nevertheless saw themselves as moribund and unable to withstand the legal and political challenges leveled by the night sector. Eager to convey the constraints placed upon them by the 'quasi-judicial' process of licensing administration, they in contradiction had no awareness of what 'evidence' might consist of, a cornerstone of due process. A strong sense that emerges from the accounts relayed in this chapter is of officials who do not believe, let alone desirous of practicing, what they are saying. The chapter will attempt, throughout, to explain why this might be the case.

It is important also to note how change was enacted. Lovatt (1996) for example, argued that such changes were consciously managed in the context of Manchester. This is possibly because at the core of formulating new networks in nightlife were radical outsiders associated the *Hacienda* and *Factory Records*. In Southview, although there were key networks in the night-time economy, change as far as can be ascertained occurred more by default than design. There were key points of intersection, notably between Southview Challenge Company Limited and the pushing of ideas around the twenty-four hour economy, and between the *Star Bar* network, Southview Challenge Company Limited and the licensing section in the police, as has been seen. More often, however, regulators simply conveyed a conformity to their role as narrow interpreters of law and policy, which was broadly

heading in the direction of 'twenty-four hour' licensing, the growth of night-time outlets and the delimiting of their power. Each body worked separately within their own institutional frameworks of change that overall manifested itself in the, albeit uneven, process of gentrification.

### **The Twenty-four Hour Economy and the Deregulation of Hours**

The growth of late licenses in Southview began from the period of 1993-4 (Licensing Committee Minutes 1993-9), when two key and established nightclubs applied for later hours and these were granted. As noted above, unlike other cities such as Manchester (Lovatt 1996), there was never a formal policy adopted in relation to late licensing by the Council. Rather, a number of disparate discussions were taking place in different areas of the locality with regard to hours extensions; moreover that a few key individuals supported extended licensing hours and were in a position to push for change. Even here, however, later licensing was only acceptable to committee members in relation to venues in Southview. Elsewhere in the Borough, for example, residents combined with Liberal Democrat and Conservative councillors to campaign against later licensing<sup>1</sup> albeit not with unmediated success.

The first venue to apply for later licensing was the Dome, followed closely by Club 99. According to Peterson of the Dome, the impetus for this had come from their customers, who, in the wake of rave, had been leaving clubs at 2am and attending local illegal parties:

They wanted more music, more this and more that. Because they were taking their drugs and couldn't get to sleep, they wanted to stay. It wasn't an advantage to me. I couldn't sell them any drink.<sup>2</sup>

Hence the better-established clubs began to apply for an extension to hours. The Council, for their part, agreed to these extensions although there had been, according to them, no strategic discussions within the locality. Respondents from both the Directorate of Regulation, the council body responsible for licensing, and the police, expressed bafflement as to how extended licensing became commonplace as if devoid of responsibility:

We, the Council are led by the applicants. We obviously...it's the applicant who makes, moves the rules. They come to us and say "oy, a new application, we want to open till six in the morning", y'know, and we, we can't refuse an application so, we don't.<sup>3</sup>

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1 Terrance O'Leary, former Chair of the Licensing Committee and current Chair of the Planning Committee, Labour Councillor, 10 November 1999.

2 John Peterson, Co-owner of the Dome, 11 May 2000. It should be noted here that many clubs at this time appeared to operate profitably after 2am by selling water, soft drinks and food, although a detailed account would be needed.

3 Colin Trace, Entertainment Licensing Officer, Directorate of Regulation, 24 May 2000.



Its just built up, a gradual, year after year, y'know, each year you'll see an half an hour or hour is asked for and councils and members try to hold the line and say no, not having it. Sometimes they accept that. Others say, "no, we're appealing". This is an unreasonable decision you've come to...of course, they're reluctant to grant them but they have a go once, and it's like fighting the tide. You can win three and lose one, and then that's it, the other three don't matter, because you've set that precedent, and that becomes law. It's difficult to fight that.<sup>4</sup>

Sergeant Brian Walters, the key figure in the Licensing Department for the Metropolitan Police, similarly presented later licensing as something that happened of its own volition:

...it just happened, before we knew it had happened, y'know...the Council want the money, that's always a...and y'know basically once they've got an entertainment licence, we actually have got to have some really strong grounds for opposing their special hours certificate...so yeah, they just happened, they just seemed to happen.<sup>5</sup>

While O'Brien<sup>6</sup> cynically suggested that the Council had been instructed to deregulate opening hours by the government, following a long history of policy experimentation in Southview, the authorities pointed to their powerlessness in the face of pushy nightclub owners. In one sense, therefore, such perceptions represent the sense of inevitability felt by local state bodies against the deregulatory tide. Venue owners here were accused of having greater social and legal power, despite their lack of power in the previous decade. For example, officers commented often on their failure to win appealed cases in the magistrates' court, which interpreted the law more narrowly. As the Council stood to lose thousands in such cases, they felt compelled to anticipate what might occur in case of an appeal.<sup>7</sup> This issue of legal challenge will be examined in more detail in the following section.

It was also the case that this expressed helplessness concealed a range of individuals who were lobbying for later hours. For example, Terrance O'Leary, former Chair of the Licensing Committee, pushed hard for deregulation in the Licensing Committee over a period of four to five years. In the Minutes, where differences of opinion had occurred, he appeared a critical element in influencing decision making in favour of extended hours and a more flexible regime in general (Licensing Committee Minutes 25 July 1995, 29 November 1995, 10 September 1998). The push had also come from policy networks developed by venue owners. John Peterson of the Dome argued that he had established close links with the Council and pushed members towards perspectives that aimed at opening up nightlife to economic development and liberalization.<sup>8</sup>

James, the Chief Executive of Southview Challenge Company Limited (SCCL), also claimed to have instituted new partnership arrangements with the police over these and other critical issues, arguing that the Council had not cooperated with the

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4 Andrew Wilson, Borough Solicitor for Southview Council, 27 January 2000.

5 Sergeant Brian Walters, MET Licensing Officer, 7 May 1999.

6 Co-owner of Thai Heaven and the Zebra, 1 February 2000.

7 Andrew Wilson, Borough Solicitor for Southview Council, 27 January 2000.

8 John Peterson, Co-owner of the Dome, 11 May 2000.

police, for example, instructing its staff not to attend the Southview Community Police Consultative Committee set up after the 1981 riot. Although as the previous chapters had documented there was a fairly close working relationship between the Council and the police, for example, over the disposal of the shebeens and the front line (Keith 1993), she felt there was something qualitatively new about the relationship.<sup>9</sup> The Metropolitan Police Commander, according to James, was invited onto SCCL from year one and played a role in examining all the bids relating to crime prevention. In addition, although there had never been a formal discussion about extended licensing per se, they were able to ‘take the debate forward’ with regard to staggering licensing times.<sup>10</sup> James noted that the notion of targeting entertainment as an “economic driver” had been fairly new and SCCL had found the government initially wary. However, it did begin to see the importance of the sector.<sup>11</sup> It was also the case that police authorities around the country began to see the ‘night-time’ economy not as a social order problem but a social order solution (Lovatt 1994). Both these attitudes changed institutional perspectives in Southview.

For example, from interviews with council officers from the Directorate of Regulation and members of the Licensing Committee, it was fairly clear that neo-liberal discourses had influenced their presentation:

There’s been a deregulation in terms of opening, uh, at a more, at a wider level shall we say, uh, you probably know that all shops can open now twenty-four hours a day, seven days a week, except big stores that can only open six hours on a Sunday, but that’s happening.<sup>12</sup>

The late night market is going to happen regardless and I do think within this Borough, certainly in the north and centre of the Borough, we are heading towards a twenty-four hour economy...it’s an economic prerogative. I think lifestyles are changing. I think people want the freedom to not necessarily go out at eight o’clock and come home at eleven. Increasingly, people want to go out at midnight and come home at four. I think we have to respect these changes in lifestyle patterns.<sup>13</sup>

The pressure towards the deregulation of hours was not simply seen as a product of economic and cultural changes, as described above. Rogers in particular was very open about the degree to which decisions regarding licensing hours were influenced by the need to regenerate and redevelop the area, as SCCL had been in the early 1990s:

Yes we do look upon licensing as a means to regeneration, yes we do think we are heading towards a 24-hour economy and yes we would like to encourage that, but not at the expense of, if you like, local people in far of being sold short.<sup>14</sup>

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9 Henrietta James, Chief Executive of SCCL, 10 September 1999.

10 Henrietta James, Chief Executive of SCCL, 10 September 1999.

11 Henrietta James, Chief Executive of SCCL, 10 September 1999.

12 David Aspen, Head of the Directorate of Regulation, 22 February 1999.

13 Stephen Rogers, Deputy Chair of the Licensing Committee, 9 December 1999.

14 Stephen Rogers, Deputy Chair of the Licensing Committee, 9 December 1999.

However, as this also indicates, enthusiasm tended to be mitigated by law for example, the need to take account of residential and other objections. Moreover it was never granted as a right as such. As chapter seven will explore, only those venues seen to be palatable under certain local conventions were granted late licensing. Most of the more long-standing venue owners, such as Marriot of Club 99, Peterson of the Dome and O'Brien of Thai Heaven and Zebra, commented on the relative ease of accessing late licensing in the area. The degree of consensus between these nightclub owners and the authorities around what aspects of regulation were important locally illustrated the degree to which self-regulation or responsabilisation had been absorbed. This was illustrated well by Neville Hampton of the Star Bar and confirmed by David Aspen, the Head of Directorate of Regulation:

Drugs, crime, noise and pollution. If you've got a good record on that, in this area you basically get a late license, and we got a late licence. I think if you show you won't cause any problems, they've basically got a, they're basically quite generous with late licenses.<sup>15</sup>

The clubs started applying for later hours, and I think that...where they'd been seen to be operating satisfactorily, that there hadn't been complaints, and there were no objections from the police around the slightly later hours, uhh, then they were permitted.<sup>16</sup>

Not only had the Council and the police absorbed the interrelationship between regeneration and deregulation, they had also inculcated the argument that the deregulation of hours would mitigate problems of disorder. From the point of view of the local Metropolitan Police, the lack of resources for policing at night reinforced this perspective. John Wilkinson, an Inspector in the Licensing Department, for example, argued that staggering closing times was the best means to deal with order problems caused by binge drinking when manpower was short.<sup>17</sup> Rather than having a mass of people out in the streets, people are more dispersed, spatially and in time, and therefore were easier to police. Although there had been some attempt to restrict hours of opening through police objections, they were criticized when the Sergeant with responsibility for licensing, Brian Walters, had attempted to object to the Dome extending its licensing hours to 9am, effectively instituting twenty-four hour opening on Friday and Saturday nights. Walters had attempted to object on the grounds that the application was "purely commercial. The Dome is hoping to counter clubs with longer hours in central London". (Letter dated 20 July 1995, Licensing Committee Minutes 29 November 1995). O'Leary, the then Chair of the Licensing Committee, openly censured the police for "their negative attitude" and argued that the Dome should be "congratulated for their commercial enterprise" (Licensing Committee Minutes 29 November 1995). The Council however appeared to present the idea that the police had been won over to the benefits of staggered closing times:

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15 Neville Hampton, Co-owner of the Star Bar and manager of Prayer, 29 February 2000.

16 David Aspen, Head of the Directorate of Regulation, 22 February 1999.

17 John Wilkinson, Metropolitan Police Inspector for Licensing, 25 July 2000.

It started to change in the early '90s and, you know, you began to find that premises started applying for later hours, until four or six in the morning, and then the police started saying, well, we've got no problem with this, because, instead of having, you know, if there were four clubs in Southview, eight hundred people coming on to the street at two o'clock in the morning which may cause public control problems, it was all spread out.<sup>18</sup>

Terrance O'Leary rejoined that there were other benefits for crime control, particularly that the volume of people out at night deterred muggings:

Have you been round here at one in the morning? There are hundreds of people, and the number of robberies and other crimes are at an all time low, and it's because there are so many witnesses. It's fantastic. It's a really good, safe, atmosphere, um, because there are so many people. It was when it was dark and lonely, that it was dangerous...the police have changed their minds, because they see the centre, particularly late at night, those hours when you'd think loads of muggings would be going on, as being incredibly safe.<sup>19</sup>

Moreover, it was argued, later closing times gave punters an opportunity to sober up, as clubs were legally obliged – even if some didn't – to stop serving alcohol at 2am:

People who are, who have had a lot of liquor, have got six hours, y'know, to get it out of their system, so they come out at nine o'clock in the morning and go home, no worse for wear, really, and they're contained within that. There's no problem with anyone on the streets at the early hours of the morning.<sup>20</sup>

It was in Manchester that arguments concerning the potential social order benefits of staggered closing times were foisted upon the general desire to develop nightlife as a core part of the inner city economy (Lovatt 1994) and this argument was taken up with varying degrees of enthusiasm elsewhere, including Southview. More broadly, it was indicative of how late modernity attempted to deal with the problem of disorder within a neo-liberal regime through spatial management (Garland 2001) as opposed to policing and social regulation of work, the family and leisure. The police and the Council were relying on managing disorder through the dispersal of people in time and space, backed by, as has been noted elsewhere (Hobbs et al. 2003), a largely self-managed private security. What will be illustrated, however, in chapter seven, is the degree to which there was an essential contradiction between presentation and practice; the aping of the perspectives of neo-liberal regulation, the re-writing of history as to how the deregulation of hours had actually occurred, and how licensing operated in practice.

As this narrative noted, the impetus for extended hours also emerged from a general tendency referred to as 'juridification' (Teuber 1987), which broadly

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18 Colin Trace, Entertainment Licensing Officer, Directorate of Regulation, 24 May 2000.

19 Terrance O'Leary, former Chair of the Licensing Committee and current Chair of the Planning Committee, Labour Councillor, 10 November 1999.

20 Colin Trace, Entertainment Licensing Officer, Directorate of Regulation, 22 February 1999.

represented means the replacement of political or moral governance or conflict with the constraining influence of legal regulation. Applied to the issue of licensing in Southview it expressed an increasing resort to law; specifically, affluent nightclub owners were prepared to resort to legal representation, potentially costing the Council valuable resources if they lost, but more generally the political function was itself being constrained by a range of regulations designed to ensure consistency and fairness. This will be the subject of the following section.

### **The Decline of Moral and Political Judgment: Corruption and Legal Constraints**

Southview Council, like all London councils, acquired licensing powers after the abolition of the Greater London Council in 1986. In 1992 councils agreed to standardize rules of management for public entertainment licensing.<sup>21</sup> Prior to 1992, each licensed premises had its own set of conditions against which a breach could be judged, viewed by Wilson as ‘ad hoc’ and ineffective. Wilson described the early local licensing committee as more ‘gung ho’, arguing that, “in the old days, they would sum up an applicant when they came in”. There was now within the Council at least a reluctance to apply the concept of ‘fit and proper’ as a moral or social category. Generally, such distinctions were confined to whether the applicant had a criminal record that specified certain types of criminal convictions, although even here the Council was guided by the Rehabilitation of Offenders Act 1974. Officials claimed that they were only interested in types of crime that were relevant to running a nightclub or bar:

I think if you’ve got a driving conviction or something, then that probably wouldn’t be very relevant in terms of operating a nightclub, whereas if you were, uh, a known drug dealer, for example, then that would be something with much more relevance and much more concern and it would be those sorts of things that we would be looking at...whether or not somebody had been convicted previously for mismanaging a premises...whether there were offences relating to the sort of activity associated with nightclubs.<sup>22</sup>

The Borough Solicitor also argued that he attempted to “steer” members away from considerations of ‘fit and proper’, as it was a moral category which was difficult to prove.<sup>23</sup>

Colin Trace, an entertainment licensing officer with long-standing experience of local changes, argued that the Committee questioned the judgment of the police more frequently, asking for evidence rather than taking their word that there is a problem with a particular premises. Members of the Licensing Committee, who were keen to stress the objective nature of the Committee’s operation, confirmed this emphasis on consistency and evidence. For example, the Chair of the Licensing Committee, Andrew Stevens, also a magistrate, stressed that licensing was a ‘quasi-judicial’ function and therefore claimed that more speculative considerations regarding the

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21 Andrew Wilson, Borough Solicitor for Southview Council, 27 January 2000.

22 David Aspen, Head of the Directorate of Regulation, 22 February 1999.

23 Andrew Wilson, Borough Solicitor for Southview Council, 27 January 2000.

character of the licensee or premises were irrelevant,<sup>24</sup> a view reinforced by the Deputy Chair:

We have to be neutral in terms of our approach to licensing. We have to approach every application on its merits, umm...I believe that happens. You never get a stitch-up with licensing.<sup>25</sup>

Officers and Licensing Committee members were keen to stress that decision-making had to be free from moral or political judgments. They emphasised that the everyday practice of the Directorate of Regulation and the Licensing Committee were dictated by legal rules only, as the following comments illustrate:

We, as officers of the Council, don't look on the morality of what the club is doing. You know, as long as they kept within the legislation relating to public entertainment, y'know, ours is not to make a moral judgment or to refute on the grounds of that moral judgment. I think a council or officers would be sailing on very thin ground if they maybe started refusing licenses because people have said, well, it would be a bit discriminatory if a person said, "we don't want a gay nightclub in the area".<sup>26</sup>

Basically, [I follow] the law. One of the things I learnt very quickly, and I impressed upon some of my colleagues, was to cut emotion out of it...Indeed, if you bow to someone who bursts into tears, uh, to uh, you know a wonderful piece of acting, uh um, you will make the most perverse decisions, um, so you rely on legal advice for that.<sup>27</sup>

This is not to suggest that personal judgment and motivation did not come into consideration. The process of considering a license application was starkly different from a court of law, being less well-resourced, more amateur, with legal representation expected only with large scale commercial enterprises. Inevitably there would be a limit to the gathering of relevant evidence and a greater reliance on judgment, as two Committee members admitted:

We obviously have the ability to question applicants and if they're not rigorous in their responses then, OK, you can normally get a pretty good indication if someone is dodgy or not or whether somebody is swinging the lead or not quite doing what they should be doing.<sup>28</sup>

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24 Andrew Stevens, Chair of the Licensing Committee and Labour Councillor, 25 November 1999.

25 Stephen Rogers, Deputy Chair of the Licensing Committee and Labour Councillor, 9 December 1999.

26 Colin Trace, Entertainment's Licensing Officer Directorate of Regulation, 22 February 1999.

27 Terrance O'Leary, former Chair of the Licensing Committee and current Chair of the Planning Committee, Labour Councillor, 10 November 1999.

28 Stephen Rogers, Deputy Chair of the Licensing Committee, 9 December 1999.

You measure it against whether the noise can be contained, or, y’know, when the publican says, I can tell the customers to be quiet when they leave, whether you believe him, whether that will come to anything.<sup>29</sup>

Also, as Andrew Wilson argued, the law itself was not free from subjectivity and politics, in that expertise or an interest in a particular branch of law could influence decision-making. The Council in Southview had, as shall be seen in the following section, a particular interest in and expertise in noise nuisance that had proved effective against the shebeens and had been utilized as a way of controlling nightlife in general:

...you’ll probably find that lots of authorities take different bits. It’s all down to the officer, and what he knows. If he goes down one line he’ll do a lot of prosecutions on one thing, and none on another, and you’ll find a wide range. Its almost like the subject is so huge, if you really wanted to dig into it you could do anyone for anything. It depends on whether you’re politically motivated to actually go and do it.<sup>30</sup>

The preoccupation with administrative propriety however was indicated by one Committee member’s comments that the process was “tortuous”.<sup>31</sup> Members in general were fearful of stepping over the line into subjective motivation. Why? The fear with regard to making a broader moral or political judgment regarding an application appeared to come from two non-related sources: firstly, the implication of the Council in corrupt practices and secondly, the fear of legal challenge. Both provided impetus for a narrow-evidence based approach to licensing and in the need for transparency.

Rumours of ‘petty’ corruption had always haunted Southview and such concerns underlined many of the policies enacted particularly in the 1990s, the era of normalization. As chapter four had noted, Southview Council had been implicated in a major corruption scandal leading to an Inquiry. One councillor, who represented the Conservatives on the Planning Committee but also took a keen interest in licensing issues, noted that there were concerns expressed by residents and rumours circulating that the Council was corrupt and there was very little confidence in any of council services including planning and licensing.<sup>32</sup> He argued that residents felt that decisions were not consistent or seemed weighted in favour of business:

This was the perception. I don’t say that its actually a true perception, but the history of Southview would show that there were some very, very odd things that went on and that across the whole of the Council in every service area where vast amounts of money disappeared...on planning, there was a general view that they blocked all sorts of prestigious developments in the Southside area [developments that have since occurred].

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29 Terrance O’Leary, former Chair of the Licensing Committee and current Chair of the Planning Committee, Labour Councillor, 10 November 1999.

30 Andrew Wilson, Borough Solicitor for Southview Council, 27 January 2000.

31 Stephen Rogers, Deputy Chair of the Licensing Committee, 9 December 1999.

32 He claimed that this was a problem of junior officers who had been brought in on an equal opportunities ticket and were too inexperienced. One of the problems was that these officers were writing false reports on premises.

There's no way that any of these would have happened under the administration prior to 1994. Also there is a general sort of assumption that anywhere else in the Borough, people would get away with just about anything and all sorts of things happened without planning permission and very little ever seemed to be done about it. Schemes, which really should never have been allowed, were allowed. The general perception around that time was that the Committee was bonkers basically and that the council officers didn't care.<sup>33</sup>

O'Leary, however, remarking that Waldings was a "political opponent", argued that anti-corruption measures had been motivated by national edicts. Regardless, as seen in chapter four, Southview Challenge Company Limited had seen fit to attempt to develop alternative structures to enact change, initially with the support and then the resistance of the Council. In 1997 the new Labour administration enacted new procedural rules concerning accountability and transparency within the Council as a whole, although Waldings argued that from 1994 councillors had "worked very hard to establish propriety". Within the function of licensing, councillors on the Licensing Committee were no longer permitted to go to venues in Southview or associate with venue owners as an anti-corruption measure.<sup>34</sup> As Committee members, they could go to a venue to witness first hand any concerns about noise or nuisance in considering a licensing application, but could not go inside. Central to combating this perception of corruption and negligence was the pursuit of transparency and consistency and, in particular, attempting to avoid politically motivated judgments.

The drive towards consistency, transparency and evidence-based decision-making was underlined by the perceived threat by practically all officers and councillors interviewed of appeal to the courts. According to the Borough Solicitor, for example, although many premises accepted that the Committee's decision was final, larger operators commonly resorted to appeal, revealing a defect in the process of objections whereby councillors had to take into account the views of residents and other bodies:

Sometimes, they accept that [the decision]. Others, like the Palace, say no, we're appealing. This is an unreasonable decision you've come to. It goes to the magistrates' court. They don't look at the Committee's decision. You have the problem then that all the objectors that came along to the council meeting are often reluctant to take the day off work or whatever to come along to a court hearing and give that same evidence, and places like the Palace, they throw a lot of money in it. It's big business to them. They do surveys, and people stand outside and monitor the traffic and the noise, and say, well, at this time there's 500 cars go by every twenty minutes so it doesn't make any difference, and people come out, there's never any trouble. It's difficult for the Council to actually fight that. They do the best they can. Members have actually gone to court and say "I objected at the time, and this is the reason why – I had all these people coming to me and complaining".<sup>35</sup>

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33 George Waldings, Conservative Councillor, 1 December 1999.

34 Terrance O'Leary, former Chair of the Licensing Committee and current Chair of the Planning Committee, Labour Councillor, 10 November 1999.

35 Andrew Wilson, Borough Solicitor for Southview Council, 27 January 2000.



The fear of legal challenge, therefore, was perceived to have stymied the Council's ability to control the activities of night-time business, particularly those able to access legal representation. As such, O'Leary stated that as licensees had the right of appeal they had to have "some confidence that it [the decision] will stand up to scrutiny by magistrates".<sup>36</sup> In response to these problems, the Licensing Committee and officers tended to take more preventative action. For example, letters would be written to applicants explaining the reasons for certain decisions.<sup>37</sup> One councillor mentioned that the Committee made attempts at mediation and liaison with industry before taking enforcement action<sup>38</sup> – the compliance approach (Slapper and Tombs 1999).

Underpinning the unequal command of resources was the volume of venues and premises that the Directorate of Regulation and other agencies such as the Metropolitan Police had to supervise. In the night sector alone, which did not include the work undertaken to supervise bodies such as nursing agencies, the Directorate of Regulation oversaw eighty-seven public entertainment licenses, fifty-four night café licenses and 300 occasional licenses. In addition to this number, the Metropolitan Police Licensing Department in the Borough regulated 917 liquor licences, a responsibility the Borough Council was to absorb as a result of the 2003 Licensing Act (Southview Borough Council Policy Committee 10 July 2000). As such, with limited resources, the regulatory function was reactive as opposed to proactive, responding in the main to complaints. As shall be seen in chapter seven, this had specific consequences for equality in the regulation of licensees.

As such, then, the Council had undertaken a shift in its self-perception from that of a body with the political capacity to dictate policy and to exercise discretionary judgment with regard to licensing to a sense of being delimited by the political need for transparency and the threat of legal action. The Council was forced to operate as a quasi-judicial body following rules of evidence and attempting to predict possible outcome should the case go to appeal. However, in order to challenge an application the Council had to rely on the objections process by residents and the police, the former dictated by problems of resources and attendance and the latter, as shall be seen in chapter seven, by their own operational culture. This did not mean that the Council had no power – it innovated, along with the police, new techniques of control. It was merely that the Committee and Licensing Officers felt that it was subject to forces outside of its control and possibly under the weight and collective perception of 'guilt'<sup>39</sup> of the corruption scandals. However, even if a blanket control over supply and closing times indicative of the Fordist system could function more simply – and there are unknown questions here such as the extent of corruption – it

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36 Former Chair of the Licensing Committee and current Chair of the Planning Committee, Labour Councillor, 10 November 1999

37 Colin Trace, Entertainment Licensing Officer, Directorate of Regulation, 24 May 2000.

38 Andrew Stephens, Chair of the Licensing Committee and Labour Councillor 25 January 1999.

39 This does not imply actual guilt, merely that officers and councillors would feel the consequences of such practices in their self-perception and actions.

was not necessarily fair. That a Council should be guided by legal considerations should have been a means of ensuring greater equality and transparency, albeit an imperfectly functioning one. However, in its own operation, it had the tendency to reproduce new inequalities, as the following section and chapter seven will examine.

### **Mediating Conflicting Interests, Evidence-based Activism and the Nuisance Laws – Looking Forward to the Past?**

As has already been illustrated, regulators increasingly perceived themselves as being constrained in their discretionary powers. Bound by new controls, the possibility of legal challenge within narrow budgetary parameters and an escalating workload, officers and councillors, with differing degrees of enthusiasm, subjectively embraced defeat in an area of law and policy historically renown for sharp practice and moral activism. This revealed itself in a rather fatalistic acceptance that the ‘twenty-four hour economy’ simply ‘happened’, even though in reality it had been pursued by ‘a-moral entrepreneurs’ within the night-time economy itself and by individuals within the regulatory structures of SCCL, the Licensing Committee, the police and importantly national government. Moreover, that this strategy had been pursued as a means of normalizing business practices in the centre, in other words, to encourage gentrification. It can be seen as no accident that as a consequence the nature of governance itself was changing. As seen in the previous section, the Council was embracing ideals of transparency and accountability in the form of anti-corruption measures and greater constraint by legal norms and this was exemplified in the administration of licensing. The diminishing of its discretionary powers and the declining utility of ad hoc moral judgments such as the application of the category of ‘fit and proper person’ was replaced by a perception firstly of the Council’s role as being one of mediation between conflicting interests and secondly an increasing enthusiasm for technical regulation in the form of the nuisance laws.

In terms of the former, council officers and particularly councillors in the Licensing Committee saw their role as balancing the conflicting interests of business, in this instance the night sector, and residents. Rather than taking a lead on policy in relation to the night-time economy, they portrayed themselves as being bound by the vagaries of self-interested dispute. This was illustrated in the following comments:

...the Council has to weigh up the advantages of these amenities to the borough, what it brings in trade or whatever, against the nuisance its caused, and the nuisance, its one of those things that’s personal to the person who’s there, but the Council sees it all the time. Its always the same nuisance, its people leaving, its slamming car doors, it’s the drunkenness, its using the gardens as toilets or even worse, y’know, uh, short cuts to places to have sex or whatever...we’ve got to be reasonable these days, y’know, the Council has got to be reasonable to residents; it’s also got to be reasonable to the commercial interests in the area.<sup>40</sup>

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40 Colin Trace, Entertainment Licensing Officer, Directorate of Regulation, 24 May 2000.

When you are a councillor, you may see yourself as there to represent the community...to see yourself as an advocate of the people you represent...Ranged against, that when you are a councillor, you are a member of the Council. Therefore, you have a legal requirement to protect the interests of the Borough as a whole. So the interests of the local area that elected you may be in direct conflict with what's in the direct interest of the borough as a whole.<sup>41</sup>

As indicated earlier in this chapter, the political dilemma was produced by the necessity to attract business to the area:

...we are very much committed here, as indeed most Labour administrations will be committed to, to economic environmental and civic regeneration and we made some very specific pledges in our manifesto, in May 1998...and actually developing the whole concept of increased jobs, about allowing people to basically do what they want within the law when they want to do it within the law. That's very much about regeneration.<sup>42</sup>

Again, fear of the law or the political consequences of decision-making were uppermost in the minds of councillors. Commenting on the consequences of taking a political position on planning or licensing matters, it was argued that either such a stance would be seen as corrupt or that political motivation could have negative consequences for public finance:

If I sided with the local objectors to a scheme, I would then count myself out, or I could stay voting, but then I would open myself up to judicial review, and possible personal prosecution and I'm not going to risk that. I think I'd do better by passing on the objections to the proper planning officers who would incorporate it into their report, and then I would not arrive at a view until I had seen the full evidence, and that's the attitude that should occur in the Licensing Committee.<sup>43</sup>

One thing we have to be mindful of is that fact that if we make a decision that is not sustainable, it will be overturned in court. If that is the case then we incur costs and ultimately the people incurring costs are the taxpayers. I for one am not prepared to go along that route just to be politically macho...I think it would be irresponsible to take that line and so if on the guidance of officers and legal advice we feel, much as we may not like to, but we feel we have to grant an application because we would lose in court then I think we will.<sup>44</sup>

Within this context, it is understandable that officers and councillors would be attracted towards the nuisance laws as a way of controlling premises in general and the conditions of their use. Whilst not being permitted to exercise moral or political judgments about the supply or opening hours of venues, the nuisance laws, particularly with innovations in statutory noise control (Fitzpatrick 2000),

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41 Terrance O'Leary, former Chair of the Licensing Committee and current Chair of the Planning Committee, Labour Councillor, 10 November 1999.

42 Stephen Rogers, Deputy Chair of the Licensing Committee, 9 December 1999.

43 Terrance O'Leary, former Chair of the Licensing Committee and current Chair of the Planning Committee, Labour Councillor, 10 November 1999.

44 Stephen Rogers, Deputy Chair of the Licensing Committee, 9 December 1999.

was viewed as a useful way of containing many of the social problems that could emanate from licensed premises as well as indirectly activities on the street.<sup>45</sup> Moreover, noise nuisance could be ascertained by the gathering of 'evidence' by officers and presented as such in any conflict. As was already seen in chapter three, council officers and the police had had considerable success in containing blues parties through the application of noise legislation. However, such legislation has inherent weaknesses in that law designed for mediating individual disputes have limited application to the resolution of general social problems, because, as Cane (1997:206) argued, 'the concept of sanctioned conduct tends to be defined much more by reference to the facts of individual cases in such a way as to reduce its relevance for parties other than those to the dispute in question'. In particular, it was dependent on residents complaining or being motivated and knowledgeable enough to go through a rigorous objections process, making it, as some councillors understood, an inherently class-based and subjective means of control. Moreover, it could never be as effective as having actual powers to control the occupation of space and supply, partly because it could be overcome by noise limiting measures (dependent however on venues being able to command sufficient resources to install sound limiting devices) but mostly because it was a reactive system, dependent on complaints and the ability to mount an effective investigation.

The noise and nuisance clauses in the Model Rules of Management<sup>46</sup> distinguished between internal and external noise. With respect to noise emanating from the building, it stated that the 'licensee shall ensure that no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which give rise to a nuisance'. In relation to external noise, caused by people, it proposed that the 'Council may require clearly legible notices to be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly' (Model Rules of Management, p.15). At this time the powers of the Council related more specifically to the former. In this matter, the Council followed the 1990 Environmental Protection Act (EPA) in which judgment as to whether a noise is acceptable or not was left to the council officer or department

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45 Although at this time it was not possible to make premises accountable for external nuisances, the proposed Alcohol Disorder Zones along with existing powers from the Criminal Justice and Police Act 2001 permitting twenty-four hour closures for noise or disorder problems provide a means to close this loophole.

46 The Council was guided by 'Rules of Management' that were originally devised using the Lord Chamberlain's Rules and the London County Council's technical requirements and codified for use by the Greater London Council in 1965. With the abolition of the GLC, the rules were revised by the Association of London District Surveyors and the London Chief Environmental Health Officers Association, for use by London boroughs. The present rules were substantially revised by the District Surveyors' Association, the ABTT, London Environmental Health Managers and assisted by the Fire Brigade and can be adopted for use by the Council (Model Rules of Management for Places of Public Entertainment, p6). Such rules can, however, be revised under Section 2 (p11). As seen by the nature of the drafters, the 'rules' have a strong and developing focus on health and safety, although other features are included, and originated from the London County Council's original preoccupation with public health (see the Music and Dancing (London) Act 1912).

concerned. Indeed, the Council did not adopt the 1996 Noise Act, except for its powers of confiscation, which were adopted as an amendment to the EPA, because it involved laborious and time-consuming measurement of noise using decibel recorders. As Rogers argued, the Council preferred to use its discretion:

With the Environmental Protection Act it's an issue of 'tort', an issue of nuisance so we use our ears. You don't need to measure.<sup>47</sup>

In essence, what this meant was that the Council simply had to decide by visiting the complainant whether noise could be viewed as affecting the enjoyment of his or her property. Most complaints to the Council in Southview, according to two officers, derived from residential problems and not from night venues.<sup>48</sup> In the case of venues, the Council tended to deal with potential noise escape in a technical way – in terms of 'structural suitability' and the level of amplified noise being emitted. With technological advancements and building works that can soundproof a venue, a building, even if playing loud music, could be internally insulated so that there was no sound leakage. One club owner talked at length about the innovations they had made to their sound systems to prevent any kind of noise problem, such as directing noise onto dance floors away from the external walls.<sup>49</sup> Despite these innovations, it still remained a central and high profile area of council preoccupation. In the notes taken from the Licensing Committee Minutes between 1993 and 1998 (which only recorded contested decisions on nightclub venues) there were fifteen references to noise problems, compared to five for health and safety problems.

As a consequence of this technical means for reducing nuisance within a venue, attention shifted to noise from clientele leaving a venue. The Council was very concerned with the level of noise emitted as a by-product of nightlife, that is, noise from people entering or exiting clubs. The control of street noise was a key point of activism for the Council, and it showed itself to be keen to extend its powers here particularly in so far as it was connected to venues:

You can do works to a building to make sure there's no noise escape from it, but what you can't normally do is contain the noise from people leaving...and if you have a lot of people pouring out of a venue in the early hours of the morning, then that's a consideration in terms of the impact upon local residents.<sup>50</sup>

Although in one entry in the Licensing Committee Minutes, it was noted that 'the Council had no power to control noise in the street outside licensed premises' (16 November 1999), in general external noise was considered to be a factor in licensing decision-making. In a report by the Directorate of Regulation on the proposed 'Modernisation of Licensing Laws' (Report 14 July 2000), it was noted that the '24-

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47 Peter Rogers, Noise Officer, Directorate of Regulation, 28 June 2000.

48 David Aspen, Head of the Directorate of Regulation, 22 February 1999, and Peter Rogers, Noise Officer, Directorate of Regulation, 28 June 2000.

49 Jane Marriot, Co-owner Club 99, 18 November 1999.

50 David Aspen, Head of the Directorate of Regulation, 22 February 1999.

hour economy' operating in parts of the borough increased the 'levels of disturbance in surrounding streets'.

The attractiveness of noise legislation for the Council therefore was that it was seen to be an 'evidence-based' way of containing the problems emanating from the night-time economy without engaging in moral or political dispute. In the absence of an effective means of control, one branch of civil law was adapted for use in another - licensing. Making noise a central means of regulatory control, however, did not insulate the Council from conflict nor from the problems of subjective decision-making and evidential concerns.

Conflict around noise became the main form by which residential and business interests collided. Noise and nuisance were the only grounds by which residents could lodge a complaint against an application. Objectors had to formally write a letter to the licensing officers of the Council and also turn up at the committee meeting where the application was being considered to object in person. If they failed to do this then their evidence would be disregarded. There were no standard rules through which committee members were able to balance the relative weight of the application against objectors, as each case (in the rules of 'natural justice') had to be considered individually according to its merits (Licensing Committee Minutes 26 June 1995). The Chair of the Licensing Committee and the Noise Officer argued that it was the responsibility of the Council to decide whether the case for the objectors had merit – it did not depend on the number of objectors or the strength of feeling:

The fact that you have 100 people may weigh more heavily on our minds than if you have three people. Then again, if those three people are going to be heavily directly affected by something, maybe that's more important than the 100 people. It's a question of making that judgment, and then balancing it against the possible enjoyment that may come from the sorts of events we may be licensing<sup>51</sup>....the issue of tort is that there is a noise from one property affecting another. It's immaterial whether it was one property affected, or one hundred.<sup>52</sup>

In practice, residents tended to be marginalized by the objections process. Not only did they need to go through an extensive period of engagement with the case in question to show commitment, they also had to satisfy councillors they would be directly affected by the nuisance, because of the way tort law was designed. The Council's engagement with political lobbying to prevent extensions in opening hours was illustrative. In an area outside of the Southview area that was deemed more residential and less 'urban', councillors had organised with residents to object to hours extensions applied for by one 'superclub' associated with excessive drinking, strip nights and street brawls. However, as the objections were viewed as 'hyped' by the Licensing Committee, that is, generated by political organization, the objections were often rejected, not least because, as a well-organized operation, the club itself had substantial legal support. As O'Leary argued:

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51 Andrew Stevens, Chair of the Licensing Committee, 25 November 1999.

52 Peter Rogers, Noise Officer, Directorate of Regulation, 28 June 2000.

This club preoccupied the Licensing Committee, probably because it makes more applications than any other, and that is because it has to apply for an occasional license. Each time, or almost each time, and always coming up are these objections about um stabbings outside. Some of the objections against it have been pretty horrible, and um... the councillors round there, the Liberal Democrat councillors who represent that area, are this classic example of what I was talking about generally, of the way they hype the local residents. And they get hundreds of people coming round, hundreds, banners, huge petitions, and you can't do any of this.<sup>53</sup>

As the Council's noise officer explained:

If you're looking at the Environmental Protection Act (EPA), it says that the Council has to be 'satisfied' that a nuisance exists, occurred or is likely, so we've got to be satisfied that there is and we can't take people's word for that and we certainly can't take a whole petition. I refer my mind back to a petition I saw and the complainant was a Sub Postmaster and there were people who lived two miles away from the premises. Absolute nonsense. Clearly a witch-hunt going on there and for us to have acted on that petition, we would have been blown out of court.<sup>54</sup>

In addition to residents being generally disadvantaged by the objections process, class differentials also operated with regard to engagement with local activism geared towards making objections. In the above example, the area was viewed as more residential, middle-class and suburban and therefore as less tolerant of nightlife and noise, whereas Southview was remarkably seen as more working-class and tolerant. Indeed, councillors discussed the possibility of implementing a zoning policy that would create areas of tolerance within their overall discretionary powers:

Southview was probably the least controversial area given the layout of it and this is what needs to be taken into account, that there are places like Southview where all night opening of clubs and bars and things like that doesn't cause much problems to residents... I think you need to have zonings related to this and say that in these types of areas we will say, yes, we will look at it sympathetically.<sup>55</sup>

O'Leary argued that in Southview there had not been one objection to extending licensing hours in the centre because:

What was going on was that the residents were resigned to the fact that they moved into this area and it would have its late bars and clubs. They came here, knowing this was a special type of place that was very different from any other place in London.

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53 Terrance O'Leary, former Chair of the Licensing Committee and current Chair of the Planning Committee, Labour Councillor, 10 November 1999.

54 Peter Rogers, Noise Officer, Directorate of Regulation, 28 June 2000.

55 George Waldings, Conservative Councillor, 1 December 1999.

However, he clarified that:

...you don't get these sorts of objections in Southview like you would in [suburban areas]...because...this is too simplistic perhaps, but, um, working-class communities do, are less ready than middle-class communities um to react to um opportunities to comment on what's going to be occurring down their street, and um you've got a constant problem in um well its not peculiar to this Borough but we're addressing it very hard now, is how to, when we consult or in licensing when you want to have peoples comments...there are certain class or age groups that do not respond, and therefore the only comments the Council receives are in um better off um largely white communities.<sup>56</sup>

It was not at all clear, however, that residents in Southview were that tolerant of nightlife or the generalized associated social problems that accompanied it. Discussions with residents and their advocates were suggestive of a rather more complex approach to local development issues. In particular, new networks between the Council and 'community representatives' or residents had been instituted with an advocate in the form of a Town Centre Manager, Carol Underhill, who headed the Town Centre Forum. The aim of this body was to represent the views of residents in Southview and to initiate strategies relating to regeneration and crime, particularly drug dealing and 'anti-social behaviour'. Underhill explained that many of the long-standing residents in Southview hated the night-time economy for a variety of reasons: the noise and nuisance; the drug dealing that was associated with it; who the night-time economy was designed to attract - its class and ethnic composition; and the sense of powerlessness felt in relation to the Council. As she argued:

...they say I complained and nothing happened, so people don't complain, so the Council, on paper, says, well, we only had one objection to the StarBar. That's because people think that even if they complain nothing can be done about it, because everyone thinks these people have things stitched up. It's very...the cynicism and apathy means that clear messages aren't being sent back to the Council.<sup>57</sup>

Talking to residents at an anti-drugs meeting, the feelings of mistrust and cynicism was confirmed. Their main concern was not so much that they hated nightlife per se, but rather they disliked the perceived agenda behind the creation of the 'night-time economy'. Discussing the StarBar, they alleged that the current owners had paid £6000 as a bribe to a Licensing Officer to get a license after the Mango had been closed for six months. They moreover suggested that it formed an example of racial cleansing in the regeneration process, and that black people were excluded by the door policy. It is impossible to access the truth behind this allegation, and Underhill's view was that:

Why did people complain about the Starbar when it was set up? Because it replaced the only black pub in Southview. Y'know, that's the delicate nature of the twenty-four hour thing, because it's actually about wealth slapped in people's faces who haven't had

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56 Terrance O'Leary, former Chair of the Licensing Committee and current Chair of the Planning Committee, Labour Councillor, 10 November 1999.

57 Carol Underhill, Town Centre Manager 4 February 2000.



anything...giving twenty-four hour licenses for those types of venues is saying something about the type of people we want in Southview, and I don't know if that's right, if those are the people we want in Southview. We want a mixture of people.

Residents' confusion could be understood when looking at the record of decision-making in relation to objections around noise. In general, from the Licensing Committee Minutes, complaints received from residents resulted in licence applications or variations for extended hours being rejected (Licensing Committee Minutes 3 December 1993, 26 June 1995, 31 January 1996, 25 April 1996), or only granted provisionally (Licensing Committee minutes of 25 July 1995, 14 September 1999). In two recorded cases, however, applications were accepted despite complaints. One of these, a chain pub, was granted an hours' extension despite two formal noise complaints and letters from a local society and twenty residents, so long as it voluntarily restricted noise emanations. In another case, Prayer (run by Neville Hampton of the Star Bar) had received letters of objection from a nearby residents association representing an estate. Hampton, however, had written letters of reply and attempted to negotiate, making concessions, and the application was granted (Licensing Committee Minutes 13 July 1999, 14 September 1999). Conversely, however, the Licensing Committee raised noise as an issue in relation to a venue - a fairly new dance bar on the periphery - despite the fact that no noise complaints had been received in twelve months. One committee member suggested that the application for extended hours to 9am be limited to a six-month period and then reviewed, in case any complaints would be received in that time, to which the applicant voluntarily agreed (Licensing Committee Minutes 16 November 1999).

Ever since the success of utilising noise laws against unregulated venues and the statutory tightening of the legislation concerning noise nuisance, the use of this mechanism for and against venues had become habitual in Southview. In the absence of enthusiasm for moral or political activism, noise was viewed as a benign and even evidence-based way of containing the social impact of the newly emerged night-time economy. In presenting itself as a neutral arbiter between residents and business, the potential was also present for devolving responsibility away from government. In practice, however, because the two sides – residents and business - were potentially unfairly weighted and the outcome dependent on the ability to mobilize resources, they were an inadequate barrier to the commercialized night-time economy, should residents ever have sought to impose their political will.

## **Conclusion**

It is interesting to note how far local authorities, once the seeding ground for the moral activism of Temperance, had conceded territory to neo-liberal regulatory strategies. The requirement to regenerate Southview combined with the fashion for cultural regeneration spearheaded partly by the formally excluded and stigmatised arena of nightlife had ensured the dismantling of the old Fordist system of control

over supply<sup>58</sup> and closing times. Bound by fears over corruption and legal challenge, and embracing ideologies of the twenty-four hour economy and the necessity of deregulation, the Council had moved far from what has been dubbed ‘ad hoc’ decision-making and political discretion.

All of these different trends examined in this chapter – the facilitation of the night-time economy, growing congruence with the neo-liberal agenda of twenty-four hour economy, the prioritizing of legal regulation over political decision making, the dissolution of moral activism, the inadequate reliance on the law of tort as a means of regulating social interests – are representative of a regulatory framework guided by the evolving marketplace and commercialism. In this respect doubts would need to be raised about the assurance that these regulatory frameworks were ‘fit for purpose’ – able to constrain the impact of the twenty-four hour economy in what was still a deprived and powerless locality. It is possible that uncertainty about this, combined with the sense of a council embattled by corruption scandals and inadequate resources, accounted for the contradictory and phantom-like discourses expressed.

The projection of powerlessness also underplayed the capacity of licensing authorities to regulate in the interstices of law and practice. The evolutions in regulatory law did not just reflect the growing commercialization of nightlife; it also consolidated it. The venue operators who stood to benefit from the resort to law and evidence-based decision making were those who could command the resources to hire legal representation, institute noise limiting devices, provide collected evidence of their own and negotiate with some degree of confidence with both residents and the authorities. As the following chapter will aim to illustrate, as the flexible licensing regimes that emerged from the 1990s conceded to market-led ideologies, new forms of differentiation and exclusion arose that looked something like the old.

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58 Although recent changes to use classes within the Town and Country Planning (Use Classes) Order 1987 have clarified the position of the nightclub as *sui generis* (in a class of its own) and therefore requiring planning consent for any change of use. The aim of this was to ‘tackle the environmental impact of the evening economy’ (Office of the Deputy Prime Minister 2005:2 – ODPM Circular 03/2005).

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## Chapter Seven

# Licensing, Policing and Informal Mechanics of Exclusion

The facilitation of the night-time economy through the inculcation of deregulatory mores in licensing practice represented but one aspect of the commercialisation and colonisation of nightlife. While many nightclubs and bars benefited from flexible hours and other advantages of normalisation, this was not applied equally. While licensing authorities no longer had the inclination or the means to impose generalised constraints on nightlife, new forms of control have been innovated locally and through statutes such as the Criminal Justice and Police Act 2001, the Licensing Act 2003, and the Anti-Social Behaviour Act 2003 (Talbot 2006). The Home Office, superseded by the Department for Culture, Media, and Sport, have claimed that the new regulatory system is a transparent and efficient way of distinguishing between orderly and disorderly venues (Home Office 2000). In the new licensing system businesses have the power, through the development of an Operating Plan, to outline the hours of opening alongside ways in which they will regulate health and safety, and control noise and nuisance, crime and disorder, and underage drinking. Moreover, as already demonstrated in the previous chapter, the law would now encourage a more rational, less moral approach to the applications process. Those applying for a Personal License would no longer be subject to the more speculative condition of being a 'fit and proper' person; rather, they would simply need to establish the absence of relevant criminal convictions and that they have a qualification that has trained them to be a licensee. Businesses, it was claimed, would stand to gain from these more transparent procedures. However, the Government also argued that the raft of legislation would protect residents against disorderly or noisy venues through sanctions including fines, twenty-four hour closures and Licence Reviews.

The abstracted contrast between the responsible and irresponsible licensee, the orderly and disorderly venue, or the rights and responsibilities of licensees appears commonsensical until the criteria used for these judgments are subjected to further examination. How are irresponsible licensees or disorderly venues identified? This chapter will consider the new subjective criteria of inclusion and exclusion and where black cultural spaces were placed within this nexus.

There were broadly three ways in which licensing practice and policing differentiated between respectively orderly/responsible or disorderly/irresponsible venues and licensees. Firstly, through an identification of social order with commercial viability – the assumption being that only those who operated mainstream business could be seen as being 'in control'. Secondly, the way in which the perception that there were limited resources to regulate influenced the policing and disposal of venues. Thirdly, though the maintenance of informal practices within the local Metropolitan

Police in particular that belied claims of transparency and accountability. Problems of accountability were further compounded by an institutional territorialism and a reluctance to work in partnership.

### **The Logic of Commercialism and Control**

As was briefly discussed in chapter six, a particular problem for licensing authorities in terms of balancing claims of justice with the need for control was disorder that occurred in the street and was therefore only indirectly related to the operation of particular venues. Whilst practically all those interviewed were concerned that the owner, or licensee, should take responsibility for what takes place on or around the premises, a recent ruling had established that the licensee should not be held responsible for what happened outside of their venues.<sup>1</sup> This ruling was not popular with licensing officers who were concerned that licensees should be held responsible for the impact that their activities had on the general vicinity, and prior to the ruling heavy penalties had been applied to licenses who were perceived to have lost control. That businesses should be encouraged to have a sense of social responsibility for the impact their business had on the neighbourhood was not surprising or necessarily undesirable. However, there was a particularly heavy-handed approach aimed not at inculcating responsibility but ensuring exclusion, particularly where the police were concerned.

A venue named George's Mexican Hut, before it was closed in 1995, had a particular problem in gaining hours extensions. On the 8 March 1994, the owner put in an application for variation of hours – an extension until 4am Thursday, 5am Friday and 6am Saturday. The Council had received no residential objections, but the variations of hours were refused on the grounds of creating a disturbance (Licensing Committee Minutes 4 March 1994 & 26 June 1995). Over the year, although the Council had still not received any objections from the public,<sup>2</sup> Sergeant Brian Walters, the local Metropolitan Police's Licensing Officer, wrote three letters of objection, arguing that they had visited the venue ten times and had witnesses to the effect that music and dancing were taking place beyond agreed hours (Letters 10 January 1994, 4 January 1995 and 9 February 1995 in the Licensing Committee Minutes 26 June 1995). One letter argued that the licensee had 'treated the licensing regulations with disdain' (Letter 4 January 1995 in the Licensing Committee Minutes 26 June 1995).

After taking advice from the Council's solicitor, who argued they did not have a case to refuse, the variation was granted, although the licensee was given a formal warning (Licensing Committee Minutes 26 June 1995). One month later, the Sergeant Walters again raised an objection on the grounds that the licensee had been

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1 Colin Trace, Entertainment Licensing Officer, Directorate of Regulation, 24 May 2000. It should be noted however that licensee responsibility for public disorder and nuisance has been re-established through the Police and Criminal Evidence Act 2001 and the Licensing Act 2003.

2 The venue was underneath railway arches and at some distance from residential property.

convicted at the magistrates' court for the sale of alcohol beyond permitted times, and was therefore not a 'fit and proper' person to hold a license. The licensee argued that the breaches had occurred in a period of financial hardship, and other speakers explained what a valuable community resource the venue was (Licensing Committee Minutes 25 July 1995). According to Walters, the venue was eventually closed down when the police took their own legal action against the club for contravening license conditions. There had also been a stabbing outside the club. Ironically, the police viewed this as the owner's problem, in that the stabbing had taken place "at" the club and "nobody saw a thing".<sup>3</sup> The club was seen to be responsible because it and its clientele had not cooperated with the police investigation.

The accepted rationale given by the Council for closing the venue was that the owner had lost control and it was out of their hands:

He lost control...the manager must have control over the premises. We didn't actually refuse his license. He never renewed his license for whatever reason. But I understand that he actually lost control of the premises, y'know, from what I heard...for whatever reason, the police took their own...they must have had grounds for doing it and I think it was successful in court.<sup>4</sup>

Before the stepping up of police activity, the Council had attempted to deal with the problem by restricting hours. On two occasions, although the license was renewed, the Council rejected an extension of hours, the second time after consultation with the Council's solicitor (Licensing Committee Minutes 8 March 1994 & 26 June 1995). However, they did not really challenge the judgment and the actions of the police in assessing the capacity of the applicant to run a venue. According to the Council's solicitor, the owner did not have legal representation in court and he was found not to be a 'fit and proper' person.<sup>5</sup>

In another example, a 'night-café' (take-away) in central Southview had been the subject of police attention and an objection to an application for a licence was made. The area was a noted drug-dealing spot and the police claimed that the premises was used as a 'cover' for drug dealing. The police had visited the place thirty-nine times and made five arrests (four for possession). The owner however claimed that the police were being racist in that he had cooperated with the police and installed CCTV, but could not stop dealers and drug users coming in to buy food (Licensing Committee Minutes 14 December 1999).

As these cases and the pivotal history of the Mango illustrated, local authorities and the police were keen to assert that the maintenance of order was the responsibility of private interests, in other words, the licensees. However, this might have proven to be more difficult for ethnic minority interests than for those that could be broadly seen as white and middle-class because of poor police/community relations and the greater vulnerability to predatory elements. There also was a clear differential in

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3 Letter from Sergeant Brian Walters, Metropolitan Police Licensing Officer 23 August 2000.

4 Colin Trace, Entertainment Licensing Officer, Directorate of Regulation, 24 May 2000

5 Andrew Wilson, Southview Council's Solicitor, 27 January 2000.

the experience of negotiating the licensing process if licensees possessed or had acquired middle-class skills of negotiation, cooperation and the inculcation of the norms of policing and regulatory practice. As emphasised by Tony Hadden of Westminster's Clubs and Vice Squad,<sup>6</sup> the reliance on informal negotiation was facilitated by the availability to the authorities of a compliance-orientated approach where it was generally agreed by all parties that even in cases where licensing law has been broken, an informal discussion was the first resort. However, this was not necessarily applied evenly and was dependent on whether the licensee was a 'known' quantity or not. Practically all of the licensees interviewed mentioned this process of informal negotiation and the need to establish good, co-operative relationships with the police and the Council. Marriot, of Club 99, for example, argued that as a consequence of serving, what was seen by her as, an 'apprenticeship', she now had better relationships with the police than previously:

There was never any help, not like there is now, with the police who understand that there are social problems and you can go to them with advice, for help and, y'know, to get things better. In those days you didn't mention anything like that to the police, otherwise they would, ugh, close you down, "you must be part of it". So we've done a seven-year apprenticeship to prove to people, no, no, we're not these, what you're presuming us to be. We're not like that, and now, fifteen years on, everybody knows us and things are ticking over nicely.<sup>7</sup>

However, such good relationships are not simply a product of longevity, but the extent to which club owners and licensing bodies serve a mutual purpose; that club owners themselves had no interest in breaking the rules because their primary purpose was to conduct a business. Control over the premises and the preservation of order was seen as a property of that working relationship, a factor that those established or favoured club owners seemed to have absorbed:

The relationship we have to the Council is very good. We have a relationship with all sorts of different areas of the Council, from councillors who chat to us and come in for drinks... to the licensing officers who of course we liaise with, with regard to any changes we want to make in the club...with local police, community groups and so on...we feel we know what we're doing, and when we're not sure, we liaise closely with the authorities. We're not scared to. A lot of clubs...perhaps are, but we don't have any qualms about liaising closely with the police and fire officers and licensing authorities.<sup>8</sup>

If there's a problem, you've got to help, and I think that's what the authorities like about us.<sup>9</sup>

We're as helpful as we can be to them, and they're as helpful as they can be with us... Most of the licensees around here get on well with the police, because, basically, we're all on the same side. Our real problem, our common interest, is to make sure the streets are

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6 Interviewed 25 March 1999.

7 Jane Marriot, Co-owner Club 99, 10 November 1999.

8 Bob Hatchett, General Manager of the Dome, 24 February 1999.

9 Jane Marriot, Co-owner Club 99, 18 November 1999.

safe for our customers, because otherwise they won't come. The Council are very similar. They just want things to get better, so anyone that's helping things get better they're pretty keen on.<sup>10</sup>

Hence, for those premises that are seen as orderly by the authorities the issue of licensing was, or had become, relatively uncomplicated. Indeed, Hampton reiterated throughout his interview that the process was "fairly" or "very straightforward". While some owners complained about costs, they were generally accepted as legitimate and the owners went to great lengths to suggest possible changes to the regulatory structure. John Peterson, the co-owner of the Dome, was a member of the British Entertainment and Discotheques Association (BEDA) that worked in partnership with government in innovating new forms of regulation, and in turn lobbied for extended hours and other business benefits. Peterson was not alone in recognising the benefits of inculcating good relationships with government. All the licensees stressed that they had good relationships with the Council and the police. Hampton, however, illustrated the instrumental nature of that relationship:

...we try and make sure we know the councillor in our ward, the councillors generally, to have a direct line to them, and the police, and everyone else...relevant, y'know.<sup>11</sup>

These licensees saw the development and preservation of good relations with the Council and the police as essential in retaining autonomy over their operations. For example, while venues such as George's Mexican Hut and the Mango were censured for failing to go to the police to seek aid with violence and criminality, the 'respectable' licensees interviewed did not face these problems, as O'Brien illustrated:

We attempt to deal with things (fights) ourselves. But then again I've got a good relationship with the local licensing officer. I went and had many conversations with him before ... opening up here [Thai Heaven].<sup>12</sup>

These 'conversations', noted by most respondents, were requirements to install CCTV, hand over dealers, to provide 'drop boxes' for drugs and security and to make structural changes to clubs spaces such as reviewing visibility in toilets and altering lights over the bar. As such, then, if licensees expressed a willingness to work with the police on the basis of structural and staff security alterations, they tended to be left alone even if committing infractions for which other premises were held to account. One club pointed out that it sold alcohol beyond permitted hours regularly, and two other clubs were observed doing so. These kinds of infractions were seen as an acceptable risk because of the good relations established, as one licensee stated:

We get away with it because they know we actually do a very good job. They know we look after our public, we don't have drunkenness, we don't kick a lot of people out on the streets, there are no fights. Its all very well controlled...On top of that, because we do deal

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10 Neville Hampton, Co-owner Star Bar and Prayer, 29 February 2000.

11 Neville Hampton, Co-owner Star Bar and Prayer, 29 February 2000.

12 Peter O'Brien, Co-owner Thai Heaven & the Zebra Bar 1 February 2000.



with the police on the drugs side of things, um, people are handed over, and so on, they're fine. They get more arrests out of us, I think, than they probably do on the streets.<sup>13</sup>

The problem of police visits in this case were dealt with by an early-warning system apparently used by the police themselves, where club owners were able to organise themselves due to the length of time taken by the police to enter the club:

I think there's a general understanding they'll, y'know, saunter to the door, which everybody sees, and then the message goes out, and by the time they've got to the door, had a chat to the manager, by the time they've walked into the club then everything's cool.<sup>14</sup>

In one case, the degree of autonomy established over practice extended to the de-facto replacement of the police role with that of security. Peterson, for example, argued that his well-organised security team were more effective in catching drug dealers or dealing with problems of violence than the police, to the extent that, in one example, they actually bundled one violent punter onto a police van after the police had lost control of him.<sup>15</sup>

However, the presumption of autonomy by licensees was to some extent overstated given the degree to which they had simply inculcated or internalised the various demands of the licensing authorities. Refusal to comply with any request could result in being unable to operate a business. In one case, for example, the police specified to one licensee conditions with which it was seen to be 'advisable' to comply, such as the installation of CCTV, the provision of police access to it at all times, and independent security staff, although they were not part of the Council's conditions of license. The licensee however refused the first request to install CCTV, arguing the right to privacy. He subsequently had problems with his license application. As O'Brien put it:

It's my strong impression that the only thing police are concerned about is drugs. So they like an involvement at the very beginning. They want to see that you have camera systems, they want to see that, if you use security ... I don't think they have the power to do any of this, by the way, but they are suggesting there could be objections if you don't put cameras in.<sup>16</sup>

Three club owners interviewed, Peter O'Brien, Jane Marriot and John Peterson, talked extensively about health and safety measures, noise pollution safeguards, and building restructuring that they had introduced. In the case of Marriot, for example, in discussing how materials must be fire retardant, she veered between explaining these measures out of personal "choice rather than being told" because of health and safety concerns, and the fact that if a problem occurred they would be closed down:

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13 The respondent has not been specified here because of the provocative nature of the comments.

14 The same applies to this comment.

15 John Peterson, Co-owner of the Dome, 11 May 2000.

16 Peter O'Brien, Co-owner Thai Heaven and the Zebra, 1 February 2000.

...the only people who will walk in and say “you are closed”, and the music comes off and everyone empties out, are the authorities, but I respect them and fully understand why.<sup>17</sup>

To a large degree, therefore, venue owners had simply inculcated the parameters of power in the locality and re-represented this as autonomy. The key point, however, is that power is exercised by the imposition of self-regulation. The licensing bodies ‘trained’ licensees to comply with particular elements of the law that were of interest in the locality. Moreover, it was seen as a priority by club owners that good relations should be established with the licensing bodies, otherwise sanctions would incur. This strategy did not always work for licensees, as the initial cases and those following indicate.

The problematic reliance on self-regulation was further compounded by perceptions of what nightlife was there for. As the previous chapter described, the Council had trained itself out of moralised notions of what constituted a ‘fit and proper’ person, replacing it instead with measurable criteria. In addition, however, regulators indicated that they expected licensees to be operating a legitimate and well-run business, and moreover that success or failure on this count was indicative of an orderly, or otherwise, venue. In the view of O’Leary, for example, who as illustrated before had long-standing experience on the Licensing Committee and was a strong supporter of the twenty-four hour economy, the ability to conduct a competent business was a key prerequisite. As he commented in relation to the fate of the Mango:

Well of course, because people actually do need to be paid...Yes, of course ... it’s not a public service ... People don’t go to pubs and clubs ... to have a second rate service, don’t want to be told it’s a public service, that’s why it’s second rate. They want a proper service. Ownership’s not the issue ... I mean, if ownership were the issue, and somehow you are protecting ... some ... unsuccessful local people, who can’t get their business act together, um, you’d be setting up an inefficient act, wouldn’t you, that wouldn’t succeed anyway, and would be in constant need of support and subsidy.<sup>18</sup>

David Aspen, Head of the Directorate of Regulation, also drew out the way in which business competency and orderly management worked together:

They’re business people, um, many of the clubs we’ve got are big business and, many of the licensees, or most of the licensees are, uh, wanting to continue their business, and to do that, uh, they need to do it properly, so they’re not really in the game of riding on the edge ... and they want to comply, uhh, often the premises have been modified to a very high standard, um, and they’re very aware of the rules<sup>19</sup>.

In this perspective, being a good businessperson meant a willingness to comply with the rules, to be ‘on the same side’, which has strong social order connotations. Conversely, being a bad businessperson meant falling prey to criminal activity, by

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17 Jane Marriot, Co-owner Club 99, 18 November 1999.

18 Terrance O’Leary, former Chair of the Licensing Committee and current Chair of the Planning Committee, Labour Councillor, 10 November 1999.

19 David Aspen, Head of the Directorate of Regulation, 22 February 1999.

either being involved in it, ‘permitting’ it to take place on your premises or again, seen to be losing control. As O’Leary commented, referring to the owners of George’s Mexican Hut and the Mango:

Great guy, great guy, lousy businessman. That was one of the problems with the Mango, got taken over by drug dealers, and the same with George’s, lots of drug offences went on. I’m sorry, but when you are presented with. I mean everywhere there’s drug taking, right? There’s not a street anywhere that doesn’t have drugs, but the scale of it. When you have the weight of evidence that is so enormous, it is irrefutable, it is beyond repair, that the very problem are the people supervising who lost the ability to cope.<sup>20</sup>

As seen in the previous chapter, the growing legitimacy of the ‘night-time economy’ in the perception of regulators brought considerable benefits for many of the licensees interviewed. It also concretised an idea of nightlife as an orderly and profitable business, a function that would have contradicted its historic subcultural or transgressive pretensions. It also however appeared to have impacted disproportionately on particular ethnic minority businesses, which, by dint of their business practices and greater vulnerability, were less likely to fit into perceptions of business competence and the control function. That there could be another rationale for deciding what is a useful business, for example, one of cultural significance and community resource, and support provided for this from the Council and the police, had not been considered. While nightlife was being normalised, it was not necessarily seen as valuable in itself.

As with the case of noise and nuisance regulation, examined in the previous chapter, the problem of fairness was exacerbated by the fact that the control of crime, nuisance and more generally disorder was a reactive system, that is, responsive to complaints and problems that accumulated over time. Within both the Council and the police this problem was viewed as one of scarce resources; an inability to control and police anything other than the bare minimum and provide only punitive sanctions in response. This chapter will now examine how this impacted upon differential treatment.

### **Between a Rock and a Hard Place: the Classification of Problem Premises**

Both the police and the Council expressed concerns about the problem of limited resources for the administration of licensing and policing. As chapter six outlined, the Directorate of Regulation and the MET Licensing Department had an escalating workload not met, according to one Inspector’s estimate,<sup>21</sup> by increased staffing levels. Indeed, it was claimed by all Officers interviewed that staffing levels had diminished over the decade.

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20 Terrance O’Leary, former Chair of the Licensing Committee and current Chair of the Planning Committee, Labour Councillor 10 November 1999.

21 Andy Brightman, former Sector Inspector for Southview Metropolitan Police and present Community Liaison Officer, 24 July 2000.

The Metropolitan Police in Southview dealt with licensed premises in three ways: firstly, through the Licensing Department, which oversaw the administration of licensing; secondly, through Response Team Officers, which dealt with ‘on call’ issues such as noise or violence; thirdly, through variously titled Community Officers who engaged in local negotiation.<sup>22</sup> The Borough Inspector for Licensing, John Wilkinson, claimed that the enforcement of licensing matters was impossible due to resource problems. A typical night duty, he argued, only had two Inspectors,<sup>23</sup> and moreover the Borough was sixty officers under-strength, meaning that most of the night duty were dealing with other matters and could not police disorder connected to licensed premises at night.<sup>24</sup> Indeed, as the previous chapter illustrated, the support for twenty-four hour licensing within the police was connected to the perceived lack of resources, in that staggered closing times was viewed as a crowd containment measure (Lovatt 1994).

It is impossible to estimate the reality of resource distribution, and it is open to dispute as to whether local agencies were under-resourced or not. However, the fact of the perceived scarcity of resources entailed that decisions were made to concentrate resources at so-called ‘problem premises’. Venues were classified as Category A, B and C; Category A were “problem premises”, Category B were premises where there was occasional trouble and Category C were ones that were never heard from.<sup>25</sup> It was Category A venues that were targeted:

What we try to do, like everyone these days, is target what limited resources we’ve got. You can’t spread yourself over one hundred premises. So you basically focus your efforts on Category A, in terms of visits and law enforcement issues.<sup>26</sup>

Premises acquired the Category A classification mainly through the number of complaints from residents, at which point the police would begin to investigate whether the area had also been subject to other kinds of disturbances, even if not specifically within the premises itself. In one example described by the officer, the police eventually, after some investigation, objected to the extension of hours for a venue after it was identified as Category A:

One which came to our notice in terms of letters of complaints from local residents in terms of noisy, after hours drinking, fights, in music venues noise disturbances until three

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22 Andy Brightman, former Sector Inspector for Southview Metropolitan Police and present Community Liaison Officer, 24 July 2000.

23 Only an officer at or above the rank of Inspector is permitted by law to enter licensed premises.

24 John Wilkinson, Licensing Inspector, 25 July 2000. Wilkinson was an Inspector in overall change of licensing in the borough.

25 Andy Brightman, former Sector Inspector for Southview Metropolitan Police and present Community Liaison Officer, 24 July 2000.

26 Andy Brightman, former Sector Inspector for Southview Metropolitan Police and present Community Liaison Officer, 24 July 2000.

or four o'clock in the morning, and then you start looking into it. You can search to see if there's lots of call out to fights in and around you, so the locals were up in arms.<sup>27</sup>

Although Brightman argued that calling the police to deal with a problem wouldn't have been "viewed as a weakness" and "wouldn't be held against [the licensee]", in practice he noted that in most cases it was a customer that calls the police and rarely the manager. However, this perspective was not evident in police interventions against licensed premises on the Council's Licensing Committee. In practice, the police objected to applications or an extension of hours if they had been called out to a premises, albeit not necessarily by the licensee (Licensing Committee Minutes 26 September 1994, 16 June 1995, 14 December 1999, 16 February 2000). The licensee would draw obvious conclusions from this, particularly if they had not understood the value of informal networking or were otherwise in a precarious position. However, not contacting and involving the police also increased the possible stigma because in their view it tended to exacerbate the problem, as Brightman stated:

...if you don't call the police and you start to exclude the police our experience is that it creates a problem that tends to escalate and becomes worse.

This somewhat contradictory position that licensees could have found themselves in was possibly explained by the differing views of policing expressed by those interviewed. Brightman was part of a new generation of leadership in Southview that was attempting to be more liberal, tolerant and racially aware. This was not true of all officers in Southview. It was also the case that different sections of the community of licensees would have had different experiences and attitudes towards the police. While some venue owners, such as Peterson of the Dome, claimed that they were not afraid to go to the police, the experience of others, such as George's Mexican Hut and more recent examples to be explored later in this chapter, suggested the opposite. The problem was that calling the police might lead to a license revocation; while conversely not calling the police might produce similar results.

The issue can be viewed from another angle, by examining what happened to Category C venues. As the previous section illustrated, particular venues who had inculcated good relations with the licensing authorities and the police were given considerable autonomy, and Brightman bore out the view that Category C premises were "local clubs" that cooperated with the police. As O'Brien argued, commenting on the lack of police interest in his operations:

They haven't been back in the six months we've had one [an entertainment's license], and, um, um, maybe they don't [visit] for a building like this. I know them all very well, um ... I've been going there for 20 years and always had a very good relationship with them, and never been, I've never had a slap on the wrist never mind any kind of prosecution, so if they're looking at priorities, I suspect I would be way down on the list for a visit.<sup>28</sup>

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27 Andy Brightman, former Sector Inspector for Southview Metropolitan Police and present Community Liaison Officer, 24 July 2000.

28 Peter O'Brien, Co-owner of Thai Heaven and Zebra, 1 February 2000.

Problem venues were identified as a product of the number of complaints that were made and the number of visits made by the police. This could leave licensees in a difficult dilemma as to whether to court police involvement. Conversely, however, failure to involve the police could result in suspicion. In a situation where the licensing authorities and the police perceived their resources to be limited, issues of discretion and classification came to the forefront of decision-making with priority being placed on issues of trust, responsibility and potentially subjective assessments of what was perceived to be problematic.

As this process of subjective and informal negotiation indicated, although licensing bodies had made attempts, as seen in chapter six, to introduce more accountable and transparent procedures, in reality they had to rely on informal judgments based upon trust and known quantities. In addition, however, it was also the case that despite the range of quasi-judicial procedures adopted, the Council had little control over policing practice. The chapter will now turn to the range of informal practices within the policing of the night-time economy and how this impacted upon licensees.

### **Informal Police Practices, Differentiation and Spatial Control**

The reality of the licensing process was that many of the negotiations took place before any application had been made. It was accepted practice that, like planning, license applicants would approach the Directorate of Regulation to negotiate around the likely acceptability of a proposal. Council officers could have advised that the hours sought were unlikely to have been accepted, for example, due to the area or potential complaints.<sup>29</sup> Such an approach, for the Council, was justified on the basis of expense, as 25% of the fee for making an application is automatically retained. It was therefore understood to be in the applicant's interest to approach the Council first.<sup>30</sup>

As already noted in this chapter, a similar process occurred within the local Metropolitan Police Licensing Department. Potential applicants would approach the police before making an application, normally through a solicitor. The police then worked closely with those solicitors and if the police then rejected the request, the solicitors, according to Sergeant Walters,<sup>31</sup> normally accepted this, as the two parties had a "good will that no-one wants to break up". Walters argued that no one could open a venue without their permission; applicants who were turned down could contest this in court, but, as Walters argued, they were likely to lose there also. However, requests normally "disappeared" and had only been contested two or three times. As he argued:

Most people come to us really, they tell us what they want, we find out what they want, and ... away they go. We can't ... it's very difficult to stop these places, but where we can we do ... we do, y'know, we'll find a reason to stop them if we feel we have to. There

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29 David Aspen, Head of the Directorate of Regulation, 22 February 1999.

30 Colin Trace, Entertainment Licensing Officer, Directorate of Regulation, 24 May 2000.

31 Metropolitan Police Licensing Officer, 12 October 2000.

hasn't been that many we've had to stop, but if we need to, then we'll find a reason to stop them.<sup>32</sup>

The grounds for the police rejecting a request or objecting to an application were ones of judgment. For example the police might object to the "type of person" who wanted to open a venue, which related not only to an actual criminal record, but also a more vague "association" with or a "history of criminal activity".<sup>33</sup> In one case described by Walters, a venue had been closed after a "number of shootings". A woman came to him to request to re-open it, but was, according to this officer, associated with a "criminal" - a man who had been tried for murder, been convicted, but had been freed on appeal. Walters told her that she couldn't re-open it, but she appealed. The police argued in court that it could not open on the following grounds: its previous history as a place of violence; that the applicant was employed, meaning that she wouldn't be present to supervise at all times; that she associated with "criminals"; and that the place would become a centre for criminal activity. She lost her appeal.

In addition, the police would also assess what is referred to as the ease of access for the emergency services, that is, design features and obstructions, the "likelihood of disorder", the potential for drug dealing to take place - in particular, the potential degree of collusion with management and security, the type of entertainment on offer<sup>34</sup> and the clientele. Neville Hampton, for example, mentioned in his negotiations with the police that they were interested in what sort of "clientele we would be attracting. Would it be the old drug-orientated crowd?".<sup>35</sup>

In another case, a man was refused in his request to Sergeant Walters to open a venue similarly because of the prior criminal associations of the venue but also because of the race and age of the applicant. As Walters argued of the applicant:

He's an old chap, nice old man, but it's always been... the people who've had it over the years have all been criminals or associated with crime, and there's no doubt about that. The criminals just go back there, so we're doing our best to stop him. He keeps writing nice letters to me, nice little chap. His MP's written to me... and his MP got the same answer.<sup>36</sup>

When asked if the applicant had a criminal record, he said:

No, he doesn't, but he's about 60 years of age. He's a frail little old black man and he ain't going to keep them out, so... we just keep trying to stop him.<sup>37</sup>

These considerations essentially served to re-establish the 'fit and proper' criterion. Although not convicted on any offence that would cast doubt on their character, applicants were imputed through association. Moreover, so were places. The police

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32 Sergeant Brian Walters, Metropolitan Police Licensing Officer, 7 May 1999.

33 Sergeant Brian Walters, Metropolitan Police Licensing Officer, 7 May 1999.

34 Sergeant Brian Walters, Metropolitan Police Licensing Officer, 7 May 1999.

35 Co-owner of the StarBar and Prayer, 29 February 2000.

36 Sergeant Brian Walters, Metropolitan Police Licensing Officer, 7 May 1999.

37 Sergeant Brian Walters, Metropolitan Police Licensing Officer, 7 May 1999.

prevented any renewal of activity in a space by dint of their historical association within criminality, violence or disorder. The spatial control of entertainment has always acted as an early form of crime prevention (Storch 1976) but the assumptions here appeared unique; it was in essence suggested that spaces are invested with a mythical criminality that will continue beyond the particular management concerned. However, it should be noted that those same considerations did not apply to the StarBar.

As seen already, the concept of crime and disorder prevention also extended to the degree of negotiation between the police and the licensee to encourage responsibility; a process formalised through schemes such as Pub Watch. In this the police themselves adopted a compliance-orientated approach over and above adherence to the law. As Hadden of the Clubs and Vice Squad pointed out:

The whole way we work is on a co-operative basis to help them try and run the club properly, as we see it, and not beat them over the head with the myriad of rules and regulations that do exist...with the public entertainment licenses or the liquor licenses there's a million rules you can break, but that's not really the idea.<sup>38</sup>

The purpose of adopting this approach was to pre-emptively and through the use of discretion ensure the orderly functioning of the night-time economy through self-regulation. He explained, for example, that although they arrested dealers in clubs, the purpose was not to detain the dealer as such, as they were merely “pond life”. Rather:

What we are trying to do is send a message not necessarily to their peers but to people in the club scene, because the only people who can really affect what happens in clubs is the management of the clubs. Now, when we arrest someone in a club, if the way a club's being managed is sufficiently bad, we will go for the licence. If you take away somebody's licence, that gets around the club scene, and it's only a little community after all, that sends a message, and we try to get that sort of leverage.<sup>39</sup>

As a consequence, much police work orientates itself around maintaining pressure on the club owners, which is seen as key to the management of space and the containment of disorder. From initial informal meetings prior to the application process - the concern with what kind of event takes place inside a venue, the rejection of applications because of criminal associations, the security and design adjustment required - the police are able to control the functioning of space. If the control and regulation of space can be ensured, it is assumed that disorder will be contained. These tactics went beyond licensing. For example, in an anti-drugs meeting the Commander of the Borough Metropolitan Police stated that they were intending to pursue a strategy of filming suspected street robbers as a preventative measure. In this way, he said, they would be “occupying the space” of criminals and that was “all the police could do” (4 December 1999). Even if not consciously acknowledged by licensing authorities, spatial control or ‘crime prevention’ would appear to be the substance of the historic and

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38 Tony Hadden, Clubs and Vice Unit, 10 March 1999.

39 Tony Hadden, Clubs and Vice Unit, 25 March 1999.



current licensing function, and indeed the role of the police in general as a mechanism for maintaining social order and particularly control over ‘problematic’ or stigmatised social groups (Storch 1976, Rose 1999, Garland 2001).

In practice however the control over ‘disorder’ did not entail *crime* control. For example, the StarBar was perceived by the police, as seen in chapter five, to be an orderly venue despite alleged cocaine parties in its early days from the clientele at this time. Two interviewees referred to these parties, which took place upstairs (Field notes 1998-99) and one individual said that he had been offered cocaine on the door (11 April 1998). Rumours persisted of the owners’ cocaine habit, which emerged from the discussion with three residents (4 December 1999) at an anti-drugs meeting. Hence this would appear to indicate that the control of crime, such as dealing, was not an object of policy and policing per se; rather, the object appeared to be one of containment and the management of appearances. This policy did not sit well with many residents, who complained about the persistence of dealing locally and how it impacted upon their everyday lives.

As Brown (2004) points out in relation to the sister concept of anti-social behaviour, disorder is a subjective whilst evocative term. Tactics of crime prevention examined in the licensing system operated independently of due process. In the cases referred to in this chapter, applicants were denied licenses, were prevented operating, or refused extended hours, on the basis of suspicion or association with criminal activity, which in practice could mean many things. The police may have been right in their assumptions, but to operate independently of the law opened a space for injustice and even corruption.

The presence of corrupt practices in the administration and policing of licensing in Southview was understated by the licensees interviewed. According to accounts by John Peterson of the Dome and Nigel George of the Zebra, there were very few problems with what can normally be described as corruption, such as graft. This was not always the case. Peterson described a series of events in the early 1980s when the licensing officer came round to collect Christmas favours. When he was turned down the club was raided three weeks later for failing to serve food, at that time a license condition. Peterson obviously alleged a connection between the two events. This type of corruption, or graft, was not uncommon; for example, many restaurants gave the police a discount or free food in order to ensure a quick response in case of trouble, and not just in Southview.

Peterson argued that in the present if a policeman were going to be corrupt then the money would be in drugs, not protection, because it was a more efficient way of accessing large amounts of money; he claimed however that that was not a problem in the locality in relation to clubs. It was argued by two sources however that the form corruption took in Southview was one of institutional racism not financial gain in licensing. Martina Drake,<sup>40</sup> and Sam Wilkins of the Sunrise Bar<sup>41</sup> argued that sections of the black population felt that black-owned premises or black events were

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40 Small (Black) Business Forum, 30 September 1999.

41 This is in fact an double pseudonym for a club owner interviewed. The reason for this additional measure was the level of fear of police reprisals expressed by this interviewee, which extended also to warning me about the implications of my research for my own safety.

more likely to be denied licences compared to white-owned or white, culturally-orientated events. Wilkins, in particular, said that he felt that the Metropolitan Police Licensing Officer, Sergeant Brian Walters, was a racist who had too much personal power. Was this the case?

The Licensing Department within the local Metropolitan Police was organised by two to three officers. Although there was an Inspector in overall charge of licensing administration, this individual argued that the licensing laws were so complex the licensees knew more about it than he did. As a result, he handed over all responsibility for administration to the Sergeant in the team, Brian Walters, in what he described as a “100 per cent delegation”.<sup>42</sup> This officer therefore wielded considerable power in the Borough due to his expertise.

Walters appeared to feel that he had a specialist local knowledge in relation to cultural differences and the nature of local criminality – an ‘old school’ officer willing to use ‘common sense’. A number of owners commented that they often had a drink with Walters in their venue and Walters himself said that he had attended the opening night of the StarBar,<sup>43</sup> suggesting that the ban on visiting local venues for those with powers of decision making had not reached the local Metropolitan Police licensing officer. He claimed he was a ‘practical joker’ and a ‘beer drinker’, and on one visit to his office anti-Europe/save the pound posters were pinned on the wall, and, on a whiteboard, which listed various licensed venues, someone had written ‘I hate rap’ in the corner (12 October 2000).

This officer had specific ideas about the relationship between race, culture, disorder and criminality. In a letter in which he had responded to a request for further information on the history of police activity in relationship to night venues and shebeens, he wrote that:

The young blacks of today are different that those of the 70s/80s they rarely drink and listen to a different type of music. They still organise unlicensed events, but they tend to be for music and dancing and drink is not a factor. Unfortunately there can be problems at such gatherings and violence is never far from the surface. Drugs such as crack cocaine and ecstasy are a feature and part of everyday life... Such events are often held in premises that are totally unsuitable for the numbers attending. At one show a couple of years ago over 2500 people got into a premises for 750.’

A comment on the Mango was also included in the letter:

It was known all over the world as a meeting place for West Indians and for people wishing to buy drugs it was an absolute banker.<sup>44</sup>

In fact throughout the letter the issue of ‘black criminality’ was referred to frequently, and it seemed as if he could not mention the idea of black orientated venues without referring to some inherent criminality that would undoubtedly be going on there. According to his perception, there were two problems for black

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42 John Wilkinson, Metropolitan Police Licensing Inspector, 25 July 2000.

43 Sergeant Brian Walters, Metropolitan Police Licensing Officer, 12 October 2000.

44 Letter by Sergeant Brian Walters, Metropolitan Police Licensing Officer, dated 23 July 2000.

venues that explained their absence in the locality. One of these, as described already, was that young black people did not drink, and older black people drank slowly, therefore naturally such places would be less profitable. Moreover he argued that some black events represented more of a disorder problem. This, he suggested, was because such events could get more out of control given that “blacks”, he said, were prone to sudden, extreme acts of violence. In this he was comparing white gangsterism of the organised, family variety to black gangsterism, which he viewed as more individualised and spontaneous.<sup>45</sup>

This kind of everyday racism, the association of particular communities with criminality, is, of course, common and not the prerogative of one police officer (Graef 1989, Holdaway 1996, Macpherson 1999). Particularly in Southview, such associations occurred throughout the 1980s and indeed provoked intense debates as to whether or not there was a relationship between ethnicity and crime, and what that relationship might consist of (Lea and Young 1984, Keith and Murji 1990). The suspicion surrounding the entertainment choices of young black people was not confined to the police; many licensees, even those who had been operating for some time, expressed similar sentiments. Both Jane Marriot,<sup>46</sup> and John Peterson and Sarah Waites,<sup>47</sup> claimed that particular types of black cultural events, like rap, reggae and ragga, were difficult to control because people would let off guns,<sup>48</sup> abuse the staff or had bad attitudes to women. In the context of the need to generate revenue, a reputation, and to retain their license, they saw these events as a greater liability.

Club 99 did hold reggae nights in the 1980s but a combination of trouble, falling numbers and unspecified police pressure compelled them to change to rave. In reference to the latter point, Marriot said merely that the police didn't want her to put on reggae events, although had been asked more recently by the police to put a couple on. As she said, “They didn't want us to do it then, now they want us to do them...they've actually suggested it, but in conversation; ‘it's a shame there isn't one’. I don't pick up the hint”. For Marriot, there was a definite perception that rave events were less ‘trouble’:

...we knocked the reggae on the head. It's not that we wanted to, it was more of...the way things had gone, and numbers had dropped and dropped and dropped, that financially we had to do something to survive, so we then got involved with the house music, the acid music, at the end of the 1980s, beginning of the 1990s, and we got into that and it's so much easier to control.<sup>49</sup>

Peterson and Waites of the Dome were more definitive in distinguishing between certain types of particularly male black crowds. Through the use of an assertive door

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45 Sergeant Brian Walters, Metropolitan Police Licensing Officer, 12 October 2000.

46 Co-owner of Club 99, 18 November 1999.

47 Co-owners of the Dome, 11 May 2000.

48 There is one famous example where this happened in a concert venue but it is unclear whether this kind of situation had happened in the venues concerned.

49 Jane Marriot, Co-owner Club 99, 18 November 1999.

policy<sup>50</sup> - “whoever the doorman doesn’t want in doesn’t get in” - they were able to exclude a certain type of ‘undesirable’ clientele:

JP: ... we’ve been able to filter out all the bad ones, you know, we’ve got a quality crowd. They have spending money, they know how to be civilised, they’ve still got their black culture, but they don’t want to be with the roughnecks...

SW:...the nutters.<sup>51</sup>

These assumptions were driven by a commercial logic and an intersection between class and ethnicity that distinguished between a black clientele who have spending money and ‘civilised’ and those who are considered to be ‘roughnecks’ (Solomos 1986, Gilroy 1987) – the poor, marginalised and possibly criminal. Licensees were further classified by gender. Walters, for example, claimed that the one Caribbean public house in the centre, visited predominantly by older black men and families, was stable because it was run by a Caribbean woman who maintained control by “nagging” potential troublemakers.<sup>52</sup>

Conversely, white cultural forms, despite their association with drug-use, did not attract the same level of criticism. Walters, for example, argued jokingly that:

We don’t get a tremendous amount of trouble because of the type of people that come into the area, and the type of music that’s being played ... strangely, this head-banging stuff, for some unknown reason, I don’t know why, it just doesn’t seem to ... create the same violent problems as the... the... ordinary sort of dance music does. I don’t know why. Perhaps they’re out of their heads on pills.<sup>53</sup>

Again, it is not specifically the use of drugs or other types of illicit behaviour that caused concern. Rather, it is whether those uses had any perceived relationship to disorder. While in Northern cities, dance culture, before its domestication, was subject to a moral panic and consequent fighting between ravers and the police (Garratt 1987), in Southview it was viewed as a welcome respite from the problems of disorder associated with black cultural spaces. This serves to reinforce the Home Office’s own findings that perceptions of disorder are locally driven according to the peculiar conflicts that permeate a narrow space and time (Home Office 2003). Regardless of the ‘common sense’ assumptions that ran through local fears concerning young black males, violence and disorder and how this might be related to the need to control spaces of entertainment, the generation of stereotypes involved in this had particular consequences for licensees.

As noted previously, two interviewees, Nigel George,<sup>54</sup> Martina Drake,<sup>55</sup> and a range of other respondents in the locality, argued that there was a concerted effort to drive black cultural activities out of Southview. George and Drake referred to

50 It should be noted that the security firm that controlled the door were black.

51 Sarah Waites & John Peterson, Owners of the Dome, 11 May 2000.

52 Brian Walters, MET Licensing Officer, 12 October 2000.

53 Brian Walters, Metropolitan Police Licensing Officer, 7 May 1999.

54 Co-owner of the Zebra, 24 May 2000.

55 Small (Black) Business Forum, SCCL, 30 September 1999.

specific allegations of unfairness. For example, they both commented that the police had told the manager of a large music venue in Southview that if they put Jamaican artists on, they had to clear it with them first. According to George, one of the co-owners of the StarBar had been told by the police that they wanted the names and addresses of all black promoters. Indeed, one well-known face in 1980s pop music claimed that Hampton of the StarBar had sacked him as a DJ because he played black music and the venue did not want to attract a black audience. Of course, as seen throughout this book, there have long been accusations and rumours circulating in Southview about the policing of black cultural events and evidence to confirm or deny beyond verbal accounts was non-existent, for obvious reasons. However, in one anonymous account of nefarious practices of the police, the theatre cum church, which had been renovated with Challenge funding and had functioned as a comedy theatre/night club run by a black manager, was targeted by the police. Under the pretext that cannabis had been used on the premises - allegations that were never proven - and suspicions that the manager had given a false name because the police had been unable to find a police record and thus assumed he must be using an false one, Sergeant Walters objected to a liquor licence application. The venue was raided and dubbed a 'shambolic house' by the police. It was then taken over by the StarBar syndicate, renamed 'Prayer' and transformed into a 1000 capacity nightclub.

When an application for an extension of hours for Prayer was taken to the Licensing Committee in 1998, it emerged that eight people had signed letters of objection, and an anonymous leaflet had been circulated in Southview. In one of these letters it stated the following:

There is a large black community in Southview, members of which would love to obtain licences with the same ease (Letter dated 6 August 1998, in Licensing Committee Minutes 10 September 1998).

The leaflet referred to, entitled 'Residents Against the Council, Residents Against Licensing Officers, Residents against Greed and Corruption', pointed to the 'fact' that two well-known promoters had applied for the job of running the venue and did not get an interview. It was given instead to the Star Bar owners. The leaflet stated the following:

As the rumours spread of a connection between licensing officers, police and those handing out government money one gets the feeling that Southview's destiny is being controlled by only a handful of people (Leaflet dated 6 August 1998, in Licensing Committee Minutes 10 September 1998).

The Council did not acknowledge the complaints, due to the fact that the letters were anonymous and that the objector that did appear had 'not submitted a written objection'. Council officers argued however that the objections should be heard and then the Committee could decide what weight to give them. The Council voted not to accept the objector by six to two, and agreed the extension by a vote of five to two (Licensing Committee Minutes 10 September 1998).

Such letters pointed to a wider distrust of events discussed with a variety of residents and businesspeople. As noted in the takeover of the Mango, it was felt that

the StarBar had colluded in a process whereby the police had exercised unaccountable means to control public and private space in the centre. Events at Prayer did not aid this perception, nor the suggestion that the StarBar was due to take over one of the four West Indian public houses in Southview after an agreement was made between the owner and Brian Walters before the Council compulsorily purchased it.<sup>56</sup> It was also rumoured to have taken over another old West Indian venue in Southview, referred to previously as Hype, after the venue had lost two potential owners. It was further alleged that the owner prior to Hampton had had trouble with the police. Some respondents joked that Hampton of the StarBar managed to acquire these premises because he paid money to the 'Police Benevolent Fund', and one fairly important white cocaine dealer boasted that these local takeovers were part of a plan because the police "liked someone they could work with".<sup>57</sup> This book does not claim to attest to the accuracy of such accounts but rather that fear and conflict exemplified any aspect of change locally.

Evidently, there were various informal procedures at work within the local policing of licences. The informal application process prior to the formal one acted as a type of 'gatekeeping'. Rather than trust in the legal process, licensing authorities, particularly the police, informally controlled the use and ownership of cultural spaces. Within this framework, the police managed the *perceived* potentialities for criminal or social disorder. In the particular case of Southview the problem of order was perceived both by the police and other concerned bodies, such as some venue owners, to be connected to class, racial and even gender distinctions. Within this, the issue of accountability, or the failure to assert the need for accountability, was an important factor in mediating institutional power. This chapter will now examine how the Licensing Committee and council officers responded to police powers.

### **Evidence and Accountability – Whither Partnership?**

While the Council was predominantly responsible for health and safety and noise and nuisance, it was the police who were relied upon to provide information as to potential crime and disorder issues that might pertain to a venue. The Council, as already seen, had some element of concern, mainly defensive, about the establishment of fair practice in relation to the growing business orientated 'night time economy', particularly in relation to the possibility of being sued by a more wealthy and 'rights' conscious business sector. However, this did not extend to all aspects of the licensing process. Respondents from the Council described their relationship with the police as problematic and awkward. One council officer said that the Licensing Committee now demanded to see 'evidence' that the objections from the police could be substantiated; previously the evidence presented by the police was taken without question:

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<sup>56</sup> Brian Walters, Metropolitan Police Licensing Officer, 12 October 2000.

<sup>57</sup> Ironically, this dealer more recently claimed that he had been put out of business by a new generation of graduate police officers who were less easy to manipulate than his older police contacts. However, this account was relayed by a third party and cannot therefore be substantiated.

We would ask them what action...have you got any successful prosecutions. Which is a good yardstick to measure it by.<sup>58</sup>

The Chair of the Licensing Committee, Andrew Stevens, stated after his interview that the police were often quite unhelpful and presented cases and wrote letters that were often “full of holes” and unsubstantiated.<sup>59</sup> There was a perception therefore that there was a problem with police evidence and that the Licensing Committee and officers were looking for some formal system of evidence beyond simply the ‘word’ of the police. As Stephen Rogers, the Deputy Chair pointed out the failure to be rigorous in presenting evidence could have devastating consequences:

Police objections are equally valid as long as these objections are justified. There was one particular case where the police objected. The applicants said you’ve got it wrong. I wasn’t happy with the situation so I asked for the case to be suspended until the next meeting. The police then came back to us and said, oops, we’ve got the wrong premises. We could have ruined a business if we had not taken that action.<sup>60</sup>

However, this did not extend necessarily to rejecting the advice of the police in licensing applications. While committee members and council officers who chose to comment on the issue expressed unease about information given by the police, nevertheless they were reluctant to directly challenge that information:

Their concerns are very important to us. I mean, if they can demonstrate that there are real problems about a venue, then we would be very ... foolhardy in granting a license. As I say, there are problems when they have presented information which is ...not followed through on, so when they say things they don’t always ... they can’t always back up.<sup>61</sup>

There was one observable example, referred to in chapter six, where the police were challenged, by a member of the committee, for their “negative” attitude. The owners of the Dome had applied for an extension of hours from 6 to 9am on a Saturday night, and it was noted that no complaints had been received about a similar extension on the Friday night. Walters, the MET Licensing Officer objected to the extension on the grounds that it was commercially driven (Licensing Committee Minutes 29 November 1995). He rejected the argument that and hours extension would ease order and congestion problems; a point that he had reviewed by the late 1990s. Speaking for the Dome, the manager at that time argued that they needed longer hours to compete and to bring resources into Southview. The objections of the police were rejected by the Licensing Committee; the vote two to four in favour of the applicant. As examined in chapter six, O’Leary was noted in the Minutes as arguing that they would ‘raise concerns about the negative nature of the police objection with senior police officers’ and that ‘members were of the opinion that the Dome management should be congratulated for their commercial enterprise’ (Licensing

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58 Colin Trace, Entertainment Licensing Officer Directorate of Regulation, 24 May 2000.

59 Andrew Stevens, Chair of the Licensing Committee, 25 November 1999.

60 Steven Rogers, Deputy Chair of the Licensing Committee, 9 December 1999.

61 Andrew Stephens, Chair of the Licensing Committee, 25 November 1999.

Committee Minutes 29 November 1995). The Dome received no more objections to applications for an extension of opening times for a considerable period of time (Licensing Committee Minutes 1995-9).

However, the Dome was a well-established club, which networked with the Council. Moreover, the objections raised by Walters were viewed as largely outside the police ambit, namely crime and disorder. When the nature of the objection related to potential disorder or criminality, the Council was much more reluctant to challenge police information regardless of its status. For example, in one case described by the Borough Solicitor, an application for a twenty-four hour licence for a night café was challenged by the police who claimed that drug pushers used it as a place to hide. The Licensing Committee turned down the application, but the Borough Solicitor described the dilemma experienced by the Committee:

It puts members in an intolerable position, because they couldn't really grant the licence on the basis of knowing that. They turned it down. But, you cannot get anything but hearsay off the police, that's the problem. "You haven't prosecuted anyone"? "No". "Can we see your intelligence reports"? "Sorry, no, data protection, you can't see any of it, but there were loads and loads of reports". That puts us in an awkward position.<sup>62</sup>

In another example described by Trace, a licence was granted for a reggae event at a local community centre. At the time, the police did not object. However, they objected afterwards on the basis of potential disorder problems, but with information that the Licensing Committee never received. Given that the licence had already been granted, the police approached the management of the community centre to cancel the event. As one council officer argued, the Licensing Committee was not in a powerful position with regard to the police:

We look at it strictly as music or dancing or whatever. However, if the police raise concerns about public order, the Council would have to take a policy, take that into consideration, because whether or not we issued a licence, the police could stop the event anyway if they so wished.<sup>63</sup>

It was ironic that police officers interviewed also expressed feelings of powerlessness and a limited remit of action against venues and tended to regard the Council as untrustworthy allies. In particular, they felt that the Council were motivated by the fear of legal costs and the desire to promote business – an accurate assumption but not one that necessarily interfered with police autonomy over these matters. One senior officer of the Clubs and Vice Squad, for example, commented that in general the police felt there was a lack of support from the Council:

...some authorities are less than robust, and that's frustrating. When you've put a lot of work into it, and you're supposed to be working in partnership, yes, and you don't get

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62 Andrew Wilson, Southview Council's Solicitor, 27 January 2000.

63 Colin Trace, Entertainment Licensing Officer, Directorate of Regulation, 24 May 2000.



the support. Others couldn't be better... "police objection? No further argument. Next." (laughs). A different thing, depending on who you're dealing with.<sup>64</sup>

He argued also that the Council had a tendency to change the conditions of a licence, rather than revoke a licence altogether, because of the fear of legal costs. Walters also mentioned that he felt the Council were reluctant to revoke licences because of their political interests:

...the local authority don't want to be seen to be nasty. I mean there's votes in it, y'know. You gotta remember, their purpose is to get in the next time, isn't it...um, so it's easy to go that way.<sup>65</sup>

The problem of a lack of cooperation from the Council was not seen to be insurmountable. Walters claimed, for example, that if they failed to revoke a licence at the Licensing Committee, there was always the magistrates' court:

It's often easier to go to court and do it [revoke licenses], although it's more expensive. You're more likely to get a favourable hearing from the court than possibly from the local authority.<sup>66</sup>

The sentiments expressed by the Council and the police did not necessarily represent a realistic viewpoint. For example, while council officers, as seen previously, argued that the magistrate's limited their power to challenge license applications, the police relayed the idea that it is only in the magistrates' that they were given a hearing. It did however indicate a level of mutual suspicion between the Licensing Committee and the Metropolitan Police Licensing Department regarding issues of accountability and evidence. In particular, that while the Licensing Committee generally did not challenge police objections, the police believed that their 'word' was good enough and their operational autonomy should not be interfered with. Given the range of allegations generated locally, however, about discrimination and exclusion in the ownership of the night-time economy, transparency and accountability, exercised through a partnership arrangement accessible to public scrutiny, would have been a logical step. However, the innovation of informal methods of control examined in this chapter indicated a desire for the opposite – to by-pass issues of due process in the administration of licensing.

## **Conclusion**

Historically, licensed venues have held an unusual position in law and have been subject to an excessive range of informal and formal regulation motivated by the need to find the easiest and most pragmatic means of controlling the entertainment of the 'dangerous classes'. In what served as an example of the emerging stand-off between the police and working-class (Emsley 1996, Storch 1976), as licensing

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64 Tony Hadden, Clubs and Vice Unit, 25 March 1999.

65 Brian Walters, Metropolitan Police Licensing Officer, 7 May 1999.

66 Brian Walters, Metropolitan Police Licensing Officer, 7 May 1999.

regulation developed and shaped its cultural and spatial form, nightclubs and bars were often at best run according to sharp practice and at worst were criminal or semi-criminal as a norm, engaging in a variety of side-practices from 'lock-ins' to the trading of stolen goods. In Southview, within the context of the normalising impact of gentrification and the generalised discrimination occurring against the black community (Keith 1993), these understandings were reversed. The administration of licensing became more concerned with enhancing mainstream business practices and its connection with the alleviation of disorder.

The regulatory subjectivity that expressed this process of normalisation ignored the fact of criminality in assumed orderly venues, and stigmatised black cultural forms more generally. Those venues that had long-standing relationships with the Council, for example, the Dome, Thai Heaven, Club 99, or those that could exhibit the necessary signals of normative behaviour and co-operation, as in the case of the StarBar, were more trusted and awarded regulatory autonomy. For those who could not find or exhibit such standards of perceived acceptability, the process was more difficult or, in some cases, impossible. Given the balance of forces described above, the consequence is a form of racial exclusion. Although not all black people are excluded from holding a licence necessarily, the process was more difficult and black applicants tend to be treated with more suspicion. Although many of these discussions were direct, as seen in the last section of this chapter, often they are more concerned with coded expressions of what is essentially racial stereotyping, such as in discussions of 'responsibility', behaviour of clientele and potential disorder problems, or perceived associations with drugs and criminality. For those in the police that expressed such sentiments, however, it was felt to be common sense that black males in particular were the main cause of crime, violence and disorder and that additional measures were necessary to protect and control the locality. This problem was compounded by an unwillingness to work in partnership with other agencies to ensure transparency, fairness and good practice.

With these objective and subjective factors at play, it is possible to see how the night-time economy as it emerged failed to reflect the diversity of the population or its history. It is the argument of this book that it is the three elements of regeneration, gentrification and licensing that contributed to this cultural and spatial bias and exclusion. The conclusion will consider the narrative of social change and exclusion, therefore, in relation to these three interrelated factors.

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# Conclusion

The research outlined in this book concerned a period of rapid change that took place in the 1990s, and during this time it was possible to imagine the impending transformation of Southview into another Crouch End. From the perspective of 2006, however, it is interesting to observe how little the landscape and population has altered. While the layer of superimposed dance bars in the centre are still there, and the numbers expanded through cheap facelifts with the words gastro pub being sometimes an addition, they are soon overcome by the dirt generated by the busy road junction and the graffiti daubs of bored and marginalised teenagers. Every attempt to move the street drinkers who congregate in a close-knit but argumentative community outside the library has failed. The drug dealers are still there, and the clinically insane have returned to their chaotic life world. The cheap markets, the butchers and the vegetable stalls do good trade to many of the same people that have lived there for generations. The police and the Council, emboldened by recent changes in law giving them increased powers of control over the night-time economy, took action against a large public house along one of the radial roads, a nightclub and against the Dome, a few months after it had been taken over by new management; these premises were subject to a Closure Order and License Review because of respectively disorder and drug dealing and one was closed. In the areas surrounding Southview the various dance bars that attempted to set up shop in the height of boosterist initiatives have closed, and lie neglected with boarded over windows. What has changed is that a layer of middle-class professionals live in expensive housing and coexist with an increasing plethora of ethnicities, often encamped in the range of council and social housing surrounding the centre. These days, they look tired and pessimistic, despite the ongoing speculative possibilities of their property.

What has occurred in Southview bears no relation to the swift turnover of property and business occurring elsewhere in London, for example, in the South East and East End aided by the expansion of the City and now the Olympics in 2012. In other localities populations have, possibly because of passivity combined with a lack of practice or knowledge, or complicity, or because they face overwhelming pressure, quietly accepted the corrosion of public housing, the erection of luxury flats, and the arrival of faux gastro pubs, organic food shops and craft markets. In Southview every move was contested and argued about in some of the most insane and spectacular shouting matches witnessed in local areas. No-where else would the idea of improvement have been so summarily rejected by burning it down in the riot of 1995. Although not everyone would agree that economic development is undesirable, there is enough of a wilful abandonment to difference that is etched in the streets, people and residual memories to retain a sense of ownership, aided by a profoundly overstretched and underperforming system of local government.

This book is an attempt to explain how transgression can be built into the landscape of an area – outlined in the beginning as the concept of the ‘outsider

area' – but it also concerns what happens to other forms of spatial transgression; for example, the spaces of the night, in the form of nightlife, and the night itself as an different and transgressive time zone (Melbin 1978). In particular, the differential way those spaces are perceived and regulated in a contradictory atmosphere of criminalisation and cultural regeneration, utilising the outsider consciousness and its concrete realisation. This conclusion therefore will outline some of the key findings of this research before going on to explore two interrelated themes: firstly, what has been termed the banality of contingent change and secondly, the nature of change and the loss of alternative spaces.

### **Southview and the Confluence of Cultural, Economic and Regulatory Change**

The purpose of this book and the research conducted in Southview was to examine the interrelationship between socio-cultural change and regulatory regimes; specifically, how changing economic and social conditions had prompted a shift in the nature of licensing regulation from one of standardised and universal closing times and control over supply, to a regime where cultural, spatial and behaviour controls were being innovated and directed at different types of venue. The attempt to distinguish between orderly and disorderly venues was not just a feature of nightlife in Southview, but could be contextualised in broader cultural, social, economic and regulatory changes occurring more generally.

Licensing law, as examined in chapter one, had been innovated to contain, control and diminish (Storch 1976) the entertainment of the lower orders (Fielding 1751) in order to install a work ethic and the proper observance of time and productivity (Dorn 1983, Harrison 1994). It permitted entertainment and the consumption of liquor only through licensed outlets and through various controls over the conditions of use, which tended to escalate and be directed at new objects as social changes threw up new challenges for social order, namely the position of women, immigrants and young people (Kohn 1992). While in sociological thought the criminalisation of people and cultures leading to an outsider consciousness or subcultures has been an object of study, the criminalisation of transgression as represented spatially – for example, the night as a spatial zone, night spaces, and outsider areas – has been neglected. It, however, became pertinent to examine the nature of space, and its stigmatisation and colonisation, in the wake of the rave phenomena, which partly explained the shift in the disposal of night venues, and new local economic development strategies, which changed the parameters of inclusion and exclusion. Specifically, inner city areas began to look at the potential of cultural forms, such as cultural quarters and nightlife zones, as a means to promote economic revival particularly in more forward looking cities of the North and London. This coalesced with trends towards a reliance on service economies in Western countries (Bell 1976, Bianchini and Parkinson 1993, Castells and Hall 1994, Molotch 1996). The consequence, as Zukin (1989, 1995, 1996) and others such as Davis (1990, 2006) and Smith (1996) argue, was a reconfiguration of the parameters of inclusion and exclusion where subcultural products are colonised (and in the process sanitised)

in localities whilst the poor, ethnic minorities (or majorities, for example in New Orleans) and the difficult or the marginal are excluded or spatially contained.

These trends towards what has been termed gentrification, had important implications for nightlife. As night venues became zoned and subsumed into inner city development strategies, and significantly renamed 'night-time economies', licensing regimes had to innovate new ways of distinguishing between desirable and undesirable entertainment. The cultural distinctions pervading regulatory regimes tended, because of the nature of licensing law and practice, to be driven by local subjectivities. Chatterton and Hollands (2002, 2003) found in Newcastle that regulators distinguished between mainstream 'chain', alternative, and disorderly venues (those of the marginalised working-class) and that these were also identifiable according to how much difficulty they encountered negotiating with the licensing process, with only the chain premises being seen as reliable and likely to be orderly. As chapter seven has examined, such assumptions were also evident in Southview albeit that licensees could acquire respectability through longevity, networking and a stubborn capacity to carry on regardless of institutional pressure. It was the venues of the Caribbean poor that tended to attract a criminal label (for example, the shebeens and public houses). However, the impact of stigmatisation was such that it impacted on up-market black venues.

These shifts were not simply regulatory, however. As the theorists of urban redevelopment, noted above, observed, shifts in cultural preferences – the trend towards urban living, the desire for the subcultural and authenticity, combined the actual fear of what this meant in practice – combined with urban boosterist strategies and was productive of new social alignments in the inner city. A development strategy based around land and property values sought culture or subculture to add value whilst marginalising the social realities of poverty and deprivation, newly renamed anti-social behaviour. When nightlife became central to inner city boosterism, undoubtedly its nature and form would be a focus of interest – what kind of nightlife adds value and attracts the economic capital of the professional classes, and what does not? The lives of the other is not a fitting object of economic speculation except in mythical form, exemplified by the copious use of 'urban' imagery, the attraction towards the frisson of Southview as a learning experience and as the acquisition of subcultural capital (Thornton 1995).

So far this chapter has established a somewhat abstract representation of social change, and one of the challenges of this research was how to reflect the interrelationship between abstract and the concrete. Chapter two examined some of the issues arising from the nature and practice of researching what was referred to as outsider areas, while chapter three outlined how the more recent changes to nightlife in Southview might be viewed within the context of the historical legacy of discrimination, exclusion and resistance. The issue for this research was how to access what lay beneath surface impressions. In an area where social relations are fluid and contested, would it ever be possible to access some approximation of the truth, when the truth, for all parties, potentially concealed an array of self or group interests, corrupt practices, racism and oppressed consciousnesses, all of which do not translate into public discourse where the superficial and voluntaristic is portrayed as the real. As chapter two indicated, to what extent are traditional methods functional

in what exists as a many layered reality? Can an interview capture duplicity, reveal deluded fantasies or fear, or portray self-justification? Chapter four explored the explanations given by board members of the failures and problems encountered by Southview Challenge Company Limited (SCCL) of which many were provided. Can they be trusted, however, when the one overriding experience of interviewing these respondents was an exhibition of embarrassment? To some degree, the research had to take respondents perspectives at face value, whilst trying through practices of interpretation (Brewer 2000) to include the unspoken or the contradictory. If it is the case, however, that economic life and society reproduces itself on a diet of fantasy, then this must surely affect those who research it. In this case, therefore, while the research has drawn out a narrative of change, it might also be possible to read into the nature of reality its opposite. The interviews conducted with Sarah Turner of the Tenants Forum of SCCL, and Martina Drake of the Small Black Business Forum of SCCL, demonstrated diametrically opposed views of the purpose of gentrification, social conflict, race and policing which was congruent with an interpreted experience or differential realities. Hence, chapters three to seven have attempted to represent the conflicts and complexities involved in actual and subjective change, and whilst this chapter is a summary and interpretation of that change, it needs to be observed that each statement made contains its opposite and does not necessarily represent the form of explanation approximated in the other chapters.

In summary, therefore, what were the constituent elements of change, and how did that change occur? Of the first question, as chapter two outlined, the research drew on that conducted in Manchester on the interrelationship between regeneration and licensing (Lovatt 1996). In Southview, the manner and form of regeneration was central to explaining how small business and cultural development had been managed. Following the intense conflicts between locals and the police in 1981 as a result of years of harassment and accusations of corruption, urban regeneration strategies had formed a core part of an attempt to renegotiate local relations away from radical informality and the normative structures of difference towards social and economic normalisation. The urban programme, described by Ellison in chapter four, had tried to appeal to important community and business 'faces' to become licit. Alongside this, the police and the Council used noise legislation against illegal parties as a way of pressurising them out. As Keith (1993) argued, the emphasis was on reclaiming the 'front line', the centre of what has been alternatively known as resistance or criminality.

The strategy of normalisation continued apace with City Challenge in the 1990s. Members of the Board and in particular the Executive had high ambitions to change local norms and institutions to deliver better services and improvement, but was mired in institutional conflicts – both with the Council and on the Board itself – and arguments over funding strategies. In the latter case, it was felt by black representatives that the local black population were being excluded from the benefits of the funding available, and that the Executive were hostile to black and minority ethnic applicants. Both the Executive and other board members, such as Sarah Turner of the Tenants Forum, contested this accusation. They argued that they were bound by the national City Challenge rules, the fact that the funding strategy had already been planned in 1992, and that applicants had to be able to show private

match funding. They also argued that regeneration had to be aimed at attracting the financial and social capital (Butler and Robson 2001) of the middle-classes, raising broader questions around who improvement is for and whether it is possible to create better local conditions for all on the basis of middle-class amenities (Amin, Thrift and Massey 2000). The last section of this chapter will return to these more evaluative questions.

Much of the conflict around the Challenge programme had centred around the development of the 'night-time economy' in Southview. Not only was it the case that, as examined in chapter three, the unregulated blues parties or shebeens, set up to by-pass the colour bar operating in mainstream venues and the difficulty of obtaining licenses, were subject to increasing police pressure from the 1970s onwards. It was also that many of the public houses in Southview frequented by the local Afro-Caribbean population had been turned over to majority white dance bars. Resentment was aimed in particular at the StarBar syndicate who had taken over a famous Caribbean public house, the Mango, situated on the front line. Again, there was much dispute as to how to interpret what had occurred with this venue's former manager, one side claiming that they had been subject to police harassment and excluded from accessing funding, the other suggesting poor management and criminality. Much of the suspicion, however, was caused by the intervention of the police in the management and ownership of the venue, and in the unknown circumstances that had allowed the StarBar syndicate to access Challenge funding. In addition, unlike many other operators in the area, the syndicate had initially made no attempt to grasp the needs of the locality – in particular, to allow participation by young black people. All of which possibly resulted in the StarBar being targeted in the 1995 street conflict.

It was important to note, however, that while the Challenge programme was on the receiving end of much of the suspicion and resentment, questions needed to be asked about their actual contribution to change, particularly in relation to the night-time economy. According to many of the operators interviewed, venues had flourished because of their willingness to work hard at staying open – forming networks and understandings with local agencies and in riding out financial difficulties. Also neglected within this emphasis given to Challenge was the core role of local regulatory bodies – the Council and the police – to channel through the licensing process new boundaries of inclusion and exclusion in the night-time economy. Here, two interrelated processes could be seen that represent the differing accents of commercialisation. Firstly, licensing authorities had felt themselves to be weakened by the increasing social power of licensees in terms of their ability to network and resort to legal representation. In the face of diminishing resources the Council in particular perceived itself to be on the defensive when faced with the prospect of legal challenge and escalating costs. In addition, corruption and a general lack of transparency had prompted the Council to attempt to act in a more fair and accountable way, whilst the idea of relieving themselves of the burden of responsibility by simply playing a mediating role between opposing interests proved attractive. The context for this diminishment of political and, in the case of licensing, moral authority – for example, the declining use of the concept of 'fit and proper person' - was the dominance of neo-liberal ideas of deregulation (Lovatt 1996).



Integral also was their reliance on technical regulation, for example, the laws of tort, specifically issues of noise and civility (Cane 1997), in the governance of nightlife and the mediation of conflict. All of these processes amounted to a loosening of moral boundaries in the regulation of nightlife and heralded more flexibility for licensees (Lovatt 1996).

Secondly, however, the normalisation of nightlife in Southview did not entail liberalisation of all nightlife but a reframing of the idea of orderly and disorderly spaces. While abandoning ad hoc judgments as to whether the applicant was 'fit and proper', for example, business competence was regarded as important as it was seen to indicate a capacity to 'control' a venue; an interest in profit understood as a guarantor of an interest in maintaining order. The Council and the police had also evolved a system of licensee 'responsibility' in establishing good practice and the inclusion of crime prevention measures such as CCTV. Those who were seen as responsible stood to gain by being granted more autonomy and trust, while those who, for reason of ambiance, refused to install CCTV could, as was seen in the case of George, find themselves in trouble. The need to establish good relations with the licensing authorities on the basis of submission to regulatory norms was not lost on nightclub owners who were, after all, increasingly interested in maintaining a thriving business. In such circumstances, the idea of resistance beyond that of the purely legal and corporate seemed unusual. The intrusion of the logic of commercialism therefore was hugely implicated in the normalisation of social control and the exclusion of alternatives.

One key finding, however, particularly in the context of the range of new legislation that has enhanced police powers in relation to licensed and unlicensed venues, was the impact of informal and unaccountable methods of policing. To some degree, this was the result of an unwitting characterisation of 'problem' venues because of the way that the police distributed resources. More importantly, however, the Metropolitan Police's Licensing Department in Southview acted as gatekeepers to the formal application process, interviewing applicants, demanding conditions and generally mediating access. This potential for unfairness and discrimination here was compounded by the consolidation of power within a small group of officers, and particularly one Sergeant, Brian Walters, and the refusal of the Council to seriously question police evidence. The problem can be seen in the way that Walters in particular interpreted the relevance of 'criminal connections' and the potential for disorder.

A key category used by the police in deciding on the viability of an application for a licence was an actual criminal record held by the applicant, 'associations' with 'criminals', a history of criminal activity relating to the venue itself, or a perception that the space would be used by drug dealers. The officer would also examine what kind of events the applicant would want to hold. Walters expressed ideas that related the potential for disorder to race, for example, the prevalence of drugs, overcrowding at events and 'spontaneous violence', whilst not seeing the same potential in 'white' venues. Such perceptions were echoed by some club owners who made a strong distinction between quality black crowds with money and those involved with the rap, reggae and ragga scene or what were alternatively described as 'roughnecks' or 'nutters'. In other words, there seemed to be an evolving perception of a relationship

between criminality, violence and race combined with localised differentiation between unproblematic and problematic crowds of black people, the former being affluent and the latter the poor.

In contemporary accounts of this process of differentiation, the ‘normalisation’ of nightlife, that is, its commodification, produced differentials between branded spaces, alternative spaces and ‘dangerous spaces’ – those of the perceived ‘underclass’ (Chatterton and Hollands 2002). Such trends have also been found in Manchester, with racialised fear of the entertainment of the other being directed against Moss Side (Böse 2005). In Southview, the dominant and favoured ‘brands’ were not chain venues but ones that had managed through different degrees of effort and cooperation with the licensing authorities to corner the market, the StarBar being one of the few examples of a trusted latecomer. It was perhaps also significant that they were either owned by white businessmen or were in a partnership where one of the partners was white. Their ability or capacity to take on board business and regulatory norms was a significant factor in their success and the trust they engendered. Many of the minority ethnic business that had failed or had been targeted by the police had in the perception of the licensing authorities not been able to exercise this degree of control. Apart from the overt racism expressed as common sense by Walters, there was no deliberate racism occurring here. Rather, it illustrated the long and evolving relationship between perceptions as to the source of social order problems (Fielding 1751), legal regulation and ownership described in chapter one. It also exemplified a form of institutional racism that simply failed to take into account the different experiences and practices of what might otherwise be a valuable contribution to local culture, what Medas (1994:13) described as being ‘colour blind’. Neither the Challenge Programme nor the licensing process had established mechanisms to facilitate access.

The process of differentiation described above occurred through both subjectivity and practices. This can be seen in the way that change occurred in Southview. Ellison, when interviewed, made reference to the difference between ‘overt’ and ‘covert’ practices of engendering change – the former being conscious and deliberate and the latter an accidental convergence of institutional norms and practices. While, rumours of corruption in the Council and the police were extensive, what emerged from the research was that, as noted elsewhere (Lovatt 1996), there was no conscious strategic thinking involved in the conversion from ‘nightlife’ to the ‘night-time economy’. Rather, the change that occurred was the product of the interrelationship between a number of disparate narratives involving social and economic contexts, organisational practices that were bound by legal strictures and interpretations, and local consciousness or subjectivities. It is necessary therefore to review the findings of this research in the context of examining the nature and process of change. This will be explored in the section that follows.

### **The Banality of Contingent Change**

There was no cross-institutional strategic plan (Lovatt 1996) to transform the centre from a predominantly Afro-Caribbean nightlife to a ‘playground’ (Chatterton and

Hollands 2002) for young white professionals. Rather, a range of institutional priorities alongside informal networks came together to produce a specific outcome. Networks were established, particular individuals were important in specific periods, and discussions were taking place locally that consensually agreed on the idea of 'improvement' but importantly disputed the form it would take. As illustrated in chapters six and seven, Terrance O'Leary, who was simultaneously Chair of the Licensing Committee and the Planning Committee in the mid 1990s, was central in changing perspectives and practice on the twenty four hour culture on these bodies, not least because on occasion he held the deciding vote. John Peterson of the Dome was also a key 'cultural entrepreneur' who again favoured deregulation and used local networks to push his case, although like entrepreneurs such as Peter O'Brien from Thai Heaven and the Zebra and Neville Hampton from the StarBar, he limited his involvement because he, like the others, wished to produce more extensive changes locally that would be unpalatable. The only multi-agency strategy that emerged in relation to the night-time economy occurred within the Executive of Southview City Challenge Company, who claimed to have promoted it as an objective and attempted to persuade the police to review its licensing practice. As chapter four illustrated, the impact of Challenge on the transformation of the night sector, although relevant, was limited. It is also doubtful that it was pivotal to changing police perspectives on matters of licensing given that all forces had been issued with national guidance from Central Government.

Given that regulatory bodies in Southview had accepted the case for flexible hours and an expansion of mainstream night sector facilities, why there was such a radical shift of emphasis towards largely gentrified and white spaces – an interesting twist on the stated ideal of 'multiculturalism'. Three factors were relevant here. Firstly, the development of Southview had been affected by stigmatisation as a crime-ridden riot prone area, entailing that outsiders related to the area inappropriately; on the one hand conceding to a geography of fear, while on the other celebrating its 'frisson' of urban danger – neither being useful to economic development (Sparks et al. 2001) and both intimately connected to race. Secondly, that the application of Challenge funding tended - because of the high private to public match funding ratio, the speed at which the projects had been assembled and the perception that changes were needed to the way that funding had previously been distributed - to favour mainstream commercialism. Little thought had been put into trying to find mechanisms to include ethnic minority businesses as a sector with specific needs (Medas 1994) until traditional modes of disorder fuelled community funding re-established itself in 1995. Thirdly, because of the way that policing practice, deeply entrenched in racialised understandings of the connection between the black population, crime, violence and disorder, had influenced the licensing process. Moreover, the 1981 'riot', although derived from such diverse problems of policing and general discrimination, also set in motion, through the institutional reaction, a 'problematization' of space and social groups, exemplified in the way the authorities viewed the 'no-go' area of the front line (Solomos 1986). The programme of regeneration that began in the 1980s, which included the Urban Programme and Challenge were the culmination of these attempts to control, manage and transform local disorder (Keith 1993).

It is also necessary to dispute narratives of exclusion in the way that institutions interpreted their functions because of the mediation of these factors with core underlying realities, such as the perceived need to harness the 'social capital' of the urban middle-classes (Butler and Robson 2001) in the absence of other stabilising factors and the reality of the relationship between urban deprivation, violence and crime that had become racialised (Lea and Young 1984, Young 2003). It was fairly clear from all those interviewed that a harsh pragmatism had to prevail when the 'social experiment' of alternative living turned 'no go' area had gone sour.

The manner in which historical context impacted upon institutional practice can also be seen with licensing (Dorn 1983). As examined in chapter six, during the 1990s the Council was undergoing a moral retreat in the face of corruption scandals, deregulation, limited budgets and the growing social power of night sector operators, and had attempted to institute fair and transparent procedures. Yet they were still constrained practically and subjectively by legal precedent, which in licensing was based upon the demarcation of the orderly and disorderly premises, or the responsible or irresponsible licensee, both intimately bound up with distinctions of class, gender and ethnicity. Moreover, as was traditionally the case in licensing practice but exacerbated in contemporary 'third way' thinking, ideas of social order or the orderly premises were subjectively connected to business viability. Because of the lack of aesthetic awareness in institutional practice, a frequent criticism of cultural regeneration strategies (Miles and Paddison 2005), little account would be taken of the internal dynamics of an innovative night culture situated as it was on the line between deviance and creativity. A simple assertion of the cultural interest of Afro-Caribbean spaces, therefore, would never overcome a more utilitarian perception of nuisance, bad management and petty rule breaking – a perception that ultimately was not to be confined to black cultural spaces.

The role of policing in the licensing process tended to exacerbate the subversion of the 'quasi-judicial' process. The organisation of the Licensing Department within the local Metropolitan Police, the innovation of an informal system of gatekeeping, and the failure of partnership between the Council and the police entailed that key individuals could have a disproportionate impact on perceptions of crime and disorder in relation to a venues. During the interviews individual racial and cultural prejudices alongside an isolationist and cynical identity were expressed by officers, yet as Macpherson (1999) argued, attention needed to be focussed on the historical and social contexts of racism that gave rise to such practices and subjectivities.

It has already been noted that there were two realities in Southview arising from differential experiences of employment, housing, entertainment, policing and victimisation. As illustrated by the case of the Mango, these differential realities impacted on the experience of managing a public house, particularly in an increased susceptibility to intrusion by dealers and other criminal activities combined with a lack of support from the police. Assumptions were made that the management was colluding in illegal activities in their premises, but in the absence of a conviction it might have been possible to conclude that they were victims. Moreover, there was a real fear in anticipating what might occur, as Ellison pointed out, if the management approached the police. The differences in consciousness and interpretation echoes concerns raised in relation to the 'riots' in Bradford, Burnley, Oldham and elsewhere

in 2001. A report by the Ministerial Group on Public Order and Community Cohesion (2001) noted that the causes were 'complex and multi-layered' (2001:17) but a central focus for the report related to the issue of 'segregation' (2001:12) in racially mixed communities. Although they argue this may relate to geography, fear and prejudice, and a lack of choice in housing, jobs and schools, they also note an element of 'choice' in such divisions (2001:13). While the use of the word 'choice' might be facile, Butler and Robson (2001) also noted the way that different communities co-existed in a 'tectonic' fashion in Southview, meaning that there was co-existence but separation. An answer, based on the research in this book, would seem to lie in the very distinct experiences of different populations, amounting to two different perspectives or truths within the same 'reality', and grounded in racial discrimination and fear.

In summary, therefore, the conversion of nightlife spaces that took place in Southview was one, it is argued, that was highly contingent and should be examined as a very complex and specific process. Whilst there were elements of strategic thinking involved, as already outlined, these were dependent on a multitude of other processes and influences. Indeed, this would seem to highlight what has been noted elsewhere, that is, the need for a consideration of 'complexity' (Parker et al 1998: 10) in analysis of governance. Working on specific and limited organisation goals and remits, and framed by long-standing legal objectives of which the rationale is often forgotten, dislocation between organisational goals and outcomes is likely.

### **Outsider Areas and the Anatomy of Loss**

Garland (2001) argued that it was not possible to view a punitive impulse to the agencies of justice as narrowly institutional; rather, it had to be seen in the context of broader social and cultural shifts towards the dominant mode of consciousness of fear and insecurity. He referred to this as the culture of control, and alongside other theorists such as Young (1999), explored the social and economic preconditions of this broader sense of 'ontological insecurity'. Within the context of Southview it was important to grasp that the changes described above – the preoccupation with disorderly cultures and its connection to ethnicity and poverty, the search for orderly social forms such as that offered by commercially orientated venues – were not just symbolically represented in the subjectivity of regulators. They represented a broader retreat from a fascination with the content, as opposed to the form, of the counterculture and alternative cultures and politics more generally, including that of *difference*, and surrender to the geography of fear. Moreover, we are witnessing in urban centres the fruition of a more individuated lifestyle and orientation, and a decline in a collective experience of mutual decay, even if that experience, as Pryce (1979) noted in Bristol and Butler and Robson (2001) observed more recently, was one of fractured co-existence. This lies at the heart of the appropriation of city spaces and their transformation into 'urban villages' by the professional middle-classes, the majority of who are white, as well as the need to differentiate, control and contain, as was acutely observed by Zukin (1991, 1995). These changing configurations of class in the inner city and the dominance of white, middle-class consumers of

subcultural products, might also explain current reactions to the night-time economy and in particular the need to proffer the controlled expansion of a gentrified nightlife. The remainder of this concluding chapter will examine what has been discussed throughout this book, namely the attempt to recolonise outsider areas and spaces.

Throughout this book, Southview has been described as an ‘outsider area’. Such a description is not intended to pathologise but to represent the interrelated processes of stigmatisation and identity formation characterised by the theorists of labelling (Lemert 1951, Becker 1963, Goffman 1963). The incoming West Indian population in Southview faced discrimination with regards to housing, employment, entertainment, and from the white population generally. They also faced significant and extreme harassment from the police, which has only recently been fully recognised (Macpherson 1999), only to be swiftly forgotten in the wake of anti-terrorist fears. As Pryce (1979) and Rex and Moore (1967) observed in two different areas of West Indian migration, the collapse of community institutions resulting in ‘social disorganisation’ arose as a result of racism, not aided by transient populations. These areas, that Pryce in particular argued were marked by an absence of agreed norms, proved attractive to a growing post-war intelligensia orientated towards cultural change and moral relativity (Roszak 1970). As could be clearly seen in Southview, it was not that the West Indian population was radical in any way; indeed, most were deeply conservative, authoritarian and religious, and, as Lea and Young (1984) note, it was the second (and third) generations that faced the problem of adjustment more starkly. It was the *interruption*<sup>1</sup> of social norms that was important and, following from this, the influx of disorientated and politically radicalised young people, all exemplified by an inability or an unwillingness to adapt to mainstream norms, particularly work (Willis 1978). The high number of squats in Southview, along with revolutionary groups, health food outlets and other alternative lifestyles and religions testify to the level of experimentation taking place there amongst what were often wealthy and Oxbridge educated young people. It was remarkable for example that a thriving gay scene could coexist peacefully with a black population professedly against those sexual preferences.

Nightlife in Southview acutely reflected these dynamics. The Afro-Caribbean population established shebeens and other quasi-legal night spaces – those that had some kind of licensing arrangement but countermanded them to some degree or had businesses ‘on the side’ - from the 1960s and 1970s partly because of cultural reasons (Pryce 1979) but also because they faced discrimination from entertainment venues and licensing authorities. These were, according to the sporadic records available, increasingly targeted in the 1970s as part of a generalised law and order crusade (Hall et al. 1978). They also became associated with squats, but there was no indication of a genuine crossover between the radical white squatting scene and such illegal parties (Pryce 1979). In parallel a number of white entrepreneurs with connections to punk, reggae, or both (Hebdige 1979), or with radical aspirations, set up quasi-legal night spaces that were, as chapter five illustrated, to become the basis

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1 The more neutral descriptor here is deliberate – it was not that there was an absence of norms so much as, as some of the respondents indicated in this book, the confronting of difference.

of the commercialised 'night-time economy' in the 1990s and that was to harness the affluence of mainly young white professionals and students.

The question of why the latter thrived and why the former did not is a critical question and is bound up with a number of issues. The research in this book has explored a range of discriminatory practices that coalesced around the de facto exclusion of black cultural representation in the central spaces of Southview. It would be possible to argue, were it not for the bad business practices and frankly admitted sharp practices of the white cultural entrepreneurs, that they were closed because of disorder and crime, the normal excuse utilised as a justification for the revocation of licenses. As the previous section has hinted, however, in Southview it was simply that the value of such spaces in the longer term was *overlooked*. This neglect was a factor that affected nightlife as a whole historically – the idea that the working-class should have separate spaces or that popular culture should be concretely realised was regarded as an affront by respectable opinion and, therefore, necessarily disorderly and criminal. In Southview, the otherness of nightlife in general was compounded by the otherness of Afro-Caribbean youth. As such, in the context of the utilisation of nightlife for the purposes of urban boosterism, it was inevitable that black spaces would be disregarded, underpinned by the frankly uncommercial and obstructive – in terms of the occupation of property and noise - nature of the shebeens. Again, as Storch (1976) and Dorn (1983) have argued, licensing law has always underpinned commercialisation by breweries to the exclusion of cultural spaces not dominated by those logics. In Southview, black cultural spaces for a variety of reasons have stood partially outside of those norms, and so, as board members of Southview Challenge Company Limited frankly explained, could not be the basis for economic renewal.

The nature of subcultural development in Southview can also illuminate current dilemmas around the night-time economy. While it is tempting to draw a line between alternative culture and the culture of excess witnessed today in city centres at night – the former celebrated and the latter castigated – in reality although the night-time economy is more visible, more populated, and less radicalised or articulate, the attraction towards nihilistic self-destruction is not a new theme. Indeed, subcultural intellectuals, from McClaren to Tony Wilson, have decorated intoxication and violence in the language of working-class spontaneity (Savage 2001). As many of the respondents in Southview indicated, there was something deeply cynical about the exploitation of poverty, marginalisation and the culture of violence for the purpose of cultural titillation and career promotion by many incomers. It can be added that the celebration of multiculturalism alongside a refusal or reluctance to engage with it in person, despite the palpable difficulties, is neglectful. As Pryce (1978:30) commented, 'the very fact that St Paul's people are 'not fussy' (which is what attracts middle-class students and intellectuals)...is one reason why St Paul's is a shanty town'.

However, an exploration of cynical motivation merely reveals that social change is not ideal, and in so far as groups and individuals in Southview were trying to articulate a cultural and social alternative by attempting to embrace difficulty and experimentation in belief and lifestyle, the declining force of this cultural project

in favour of mainstream consumption is a problematic outcome. In Southview, the excavation of both alternative and Afro-Caribbean cultural forms in favour of sanitised middle-class consumption created instability and conflict and moreover does not necessarily lend itself to sustainability, as this book aimed to illustrate. The area never wholly consisted of the poor, and was in the post-war period merely a melange of classes and ethnicities co-existing in a period of economic decline. It was not so much that there was disorder or normlessness; rather, there was merely a different form of ordering that was threatened by a burgeoning criminality. As Drake of the Small Black Business Forum of Southview Challenge Company Limited and Ellison pointed out, there was always a nightlife in Southview, hence there was consumption. It was merely that it was not mainstream or fully legal, possibly too closely identified with resistance to be tolerated, and was undone by the combined pressure of policing and violence.

The impulse towards reform and improvement is often inspired by what Young (2006) terms ‘liberal othering’, the idea that the poor would be culturally middle-class if provided with similar opportunities for betterment. What was interesting about London in general and Southview in particular was its lack of susceptibility to reform, its geographical space and disorderliness defying societies capacity to gather the resources and energy to reshape it. As Raban (1974) argues, ‘its discontinuities give one vertigo’ hence the need to construct the illusory urban village or small community within the ‘dangerous and demanding’ whole. However, this is to vastly underestimate the capacity of its inhabitants to shape their environment, and one of the most impressive moments to arise from interviewing local actors was their willingness to use up decades of their lives – an unconscious expression of the idea that something was owed – trying to change Southview by engaging with its core realities, most often in the face of institutional resistance.

A process can be witnessed when considering the current status of nightlife. When made visible by its commercial development, the social problems it obviously engenders, and through the efforts of academics and policy-makers towards reform, its viability is questioned. Why would a society working through the utilitarian calculus see this sector as something worth preserving? The recent reassertion of control over the activities of bars and clubs is a reminder that the partial suspension of regulation that occurred up to the Licensing Act 2003 was something of an interregnum. As chapter one illustrated, contemporary governance is orientated towards the closure of alternatives, expressed through the barrage of legislation designed to control protest, behaviour, or culture. In many respects, what occurred in Southview is a template for what alternative spaces can expect elsewhere – that the combined impact of regulation and economic change will profoundly alter the invisible line between government and the population. Spaces such as the public house or the nightclub were historically about political or cultural resistance, despite their seedy commercialism. Southview was a more recent reminder of those old conflicts. The line will be eroded because in the context of the disruption caused by the commercial night-time economy, we have forgotten that who inhabits city spaces is crucial, because alternative spaces and



areas of the kind seen in Southview allows us to encounter difference, the 'other', and in doing so enables the imagining of alternatives.

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### Primary Documents

*The following documents have been included to indicate the scope of the primary research, but have been altered slightly to reflect this books commitment to area anonymity.*

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# Index

- anti-social behaviour 19, 107, 120
- Blair, Tony 1
- Becker, H. 8, 10, 39, 50
- bifurcation 18
- Birmingham School of Contemporary  
Cultural Studies 9
- bohemianism 44, 54, 67
- Brewer, J. 25
- Brown, A. 120
- City Challenge 56-7
- Clubs and Vice Squad 28, 110, 119
- Cohen, S 8, 10, 50
- Collin, M 13
- commercialisation 15-7, 32, 69, 84, 108-14,  
136-7, 144
- community cohesion 75, 140
- counterculture 8-10
- Cream 14-5
- Criminal Justice and Public Order Act 1994  
13
- differentiation 107-30, 137-40
- disorder 4, 18, 19-20, 36, 39, 44, 50, 52, 90-  
1, 107, 120, 123-5, 129, 131, 143
- Disorderly Houses Act 1752 2, 6-7
- documentary research 32-36
- Dorn, N. 4, 7
- Ellison, R. 11-2
- Erenburg, L.A. 8
- fantasy 15, 21, 32
- Fielding, H. 6
- Foucault, M. 30
- frisson 67, 68, 70, 133
- Fromm, E 9
- front line 40-41, 53
- Garland, D. 19
- gangs 14, 15
- gentrification 3, 20, 24, 39, 52, 54, 56, 60,  
70, 76, 129, 133
- Garratt, S 13, 14, 15
- Goffman, E. 10
- Haçienda 14, 51-2, 76, 86
- Harrison, B. 4
- institutional racism 36, 122
- interviewing 26-30
- intoxication 32
- Keith, M. 39, 40, 41, 45, 47, 48, 53
- Keniston, K 9
- Klein, N. 15, 21
- Kohn, M. 8
- licensing
- classification of problem premises 114-7
  - commercialisation and social control  
108-14
  - decline of moral and political judgment  
92-7
  - deregulation of hours 87-92
  - Greater London Council 48-9
  - Informal police practices 117-25
  - London County Council 46-7
  - new police powers 131, 143
  - nuisances 97-104
  - partnership 125-9
- licensing law 1-8, 17-9, 32-4, 132-3
- Licensing Act 2003 1, 18-9, 143
- liminality 20
- Lovatt, A. 13, 16, 17-8, 23, 86
- Lyng, S. 1-2
- Mannheim, K. 9
- Manchester 14-5, 17-8, 23
- Manchester Institute of Popular Culture 8
- Marxism Today* 9
- Melbin, M. 32
- Ministry of Sound 14, 15
- misrecognition 10, 11
- moral panic 3
- multiculturalism 64, 69

- night-time economy 1, 2, 12-21, 32, 56, 70,  
71-84, 85-7, 129, 132-3
- noise  
noise nuisance 43, 44, 45, 49-50, 97-  
104, 114
- normalisation 14, 129, 136
- Orwell, G. 4
- other, otherness 3, 4, 7, 40
- outsider  
outsider cultures, outsider areas 3, 8-12,  
23, 39, 140-4
- participant observation 31-32
- Pay Party Unit 13, 14
- Pryce, K. 11-12, 141
- Raban, J. 8, 11, 31, 143
- rave 12-15
- regeneration 3, 39, 51-2, 53-70, 89-90, 133,  
138-9
- researching the powerful 35, 36
- Rex, J. & Moore, R. 10, 11
- Rose, N. 19
- Roszak, T. 9
- Sennett, R. 12
- shebeens 41-52, 141-2
- Smith, N. 20
- Southview 3, 18, 21  
anonymity 29  
corruption 36, 41, 55-56, 94-5, 96, 103,  
120, 139
- general history 39-41
- Licensing Committee 28, 34-5, 87-105,  
113, 116, 125-8
- Metropolitan Police 40-1, 43, 45-51, 53-4
- Metropolitan Police Licensing Dept. 28,  
108-29, 139
- methodological approaches 23-37
- twenty-four hour economy 87-92
- Urban Programme 54-5, 69
- Southview Borough Council 26, 27, 28,  
53-8, 139
- Southview Challenge Company Limited  
23, 26-7, 34, 35, 56-70, 71-2, 76-8,  
88-90, 134-6
- Star Bar 27, 28, 59, 62, 78-83, 121
- subcultural capital 67-9
- transgression 8-12, 20, 52
- triangulation 25
- unregulated spaces 39-51, 141-2
- violence 44, 50-1, 68, 75
- Webb, S. & Webb, B. 4, 5
- White, C. 16
- Wilson, T. 14, 52, 76
- Young, J. 10, 19, 140
- Zebra Bar 28
- Zukin, S 15-6, 20